

SESSION LAWS
OF
HAWAII
PASSED BY THE
THIRTY-FIRST STATE LEGISLATURE
STATE OF HAWAII

REGULAR SESSION
2022

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PREFACE

This volume contains all of the laws enacted by the Hawaii State Legislature during the Regular Session of 2022.

The text of the laws is printed in full except as provided herein. Statutory material that is being repealed is either bracketed or bracketed and stricken. New material is indicated by underscoring. However, as authorized by Section 23G-16.5, Hawaii Revised Statutes (HRS), the text is edited to omit the bracketed material for HRS sections that are being repealed in their entirety and to omit the underscoring for entirely new HRS sections. With the exception of the foregoing and certain obvious typographical errors that have been corrected, the text of the laws appears as enacted.

Explanatory notes appear at the end of the corresponding laws. The notes clarify editorial changes and inconsistencies in text.

Charlotte A. Carter-Yamauchi
Revisor of Statutes

Honolulu, Hawaii
July 12, 2022

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¹Appointed on March 9, 2022, to seat vacated by Ty J.K. Cullen.

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**Session Laws of Hawaii
Passed By The
Thirty-First State Legislature
Regular Session
2022**

ACT 1

H.B. NO. 2500

A Bill for an Act Making Appropriations to Provide for the Expenses of the Legislature, the Auditor, the Legislative Reference Bureau, the Ombudsman, and the Ethics Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,594,483 or so much thereof as may be necessary to the senate for the following expenses:

- (1) The sum of \$9,248,650 for defraying any and all session and nonsession expenses of the senate up to and including June 30, 2023, including the 2022 regular session, thirty-first legislature of the State of Hawaii and pre-session expenses and the expenses of any committee or committees established during the interim between the 2022 and 2023 regular sessions;
- (2) The sum of \$1,150,000 for defraying the expenses of the legislative information system for cost items such as hardware, software, consultants, installation, materials, supplies, and other related costs associated with the legislative information system that have been or will be incurred;
- (3) The sum of \$112,500 for defraying the cost of the legislative broadcasting program to pay for the production and distribution of broadcasts of legislative proceedings, including but not limited to television broadcast, live streaming, and internet platforms for public access; and
- (4) The sum of \$83,333 for the rekeying of all locks and securing all doors for senate offices at the state capitol building.

The sum appropriated in this section shall be expended by the senate.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$14,580,401 or so much thereof as may be necessary to the house of representatives for the following expenses:

- (1) The sum of \$13,362,810 for defraying any and all session and non-session expenses of the house of representatives up to and including June 30, 2023, including the 2022 regular session, thirty-first legislature of the State of Hawaii and pre-session expenses and the

ACT 1

expense of any committee or committees established during the interim between the 2022 and 2023 regular sessions;

- (2) The sum of \$938,424 for defraying the expenses of the legislative information system for cost items such as hardware, software, consultants, installation, materials, supplies, and other related costs associated with the legislative information system that have been or will be incurred;
- (3) The sum of \$112,500 for defraying the cost of the legislative broadcasting program to pay for the production and distribution of broadcasts of legislative proceedings, including but not limited to television broadcast, live streaming, and internet platforms for public access; and
- (4) The sum of \$166,667 for the rekeying of all locks and securing all doors for house of representatives offices at the state capitol building.

The sum appropriated in this section shall be expended by the house of representatives.

SECTION 3. Payment of expenses of the senate during the interim between the 2022 and 2023 regular sessions shall be made only with the approval of the president of the senate, and payment of expenses of the house of representatives during the interim between the 2022 and 2023 regular sessions shall be made only with the approval of the speaker of the house of representatives.

SECTION 4. Before January 18, 2023, the senate and the house of representatives shall each have their accounts audited, and a full report of the respective audits shall be presented to the senate and house of representatives convening on January 18, 2023.

SECTION 5. Unless otherwise prescribed by law, the expenses of any member of the legislature while traveling abroad on official business of the legislature shall be \$145 a day as authorized by the president of the senate and speaker of the house of representatives.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,363,380 or so much thereof as may be necessary to the office of the auditor for the following expenses:

- (1) The sum of \$3,213,380 for defraying the expenses of the office of the auditor during fiscal year 2022-2023; and
- (2) The sum of \$150,000 during fiscal year 2022-2023 for:
 - (A) Performing special studies;
 - (B) Improving capabilities for planning, programming, and budgeting;
 - (C) Fulfilling other special requests made of the auditor by the legislature or jointly by the president of the senate and the speaker of the house of representatives;
 - (D) Legislative studies and contractual services for those studies; and
 - (E) Such other purposes as may be determined by the joint action of the president of the senate and the speaker of the house of representatives.

The sum appropriated in this section shall be expended by the auditor.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,800,000 or so much thereof as may be necessary to the office of the auditor during fiscal year 2022-2023 to be deposited into the audit revolving fund established pursuant to section 23-3.6, Hawaii Revised Statutes.

SECTION 8. There is appropriated out of the audit revolving fund the sum of \$6,300,000 or so much thereof as may be necessary to the office of the auditor during fiscal year 2022-2023 for the office to conduct or complete its audit functions as provided by law.

The sum appropriated shall be expended by the auditor.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,776,322 or so much thereof as may be necessary to the legislative reference bureau for defraying the expenses of the legislative reference bureau during fiscal year 2022-2023, including equipment relating to computer systems programming and operations.

The sum appropriated in this section shall be expended by the legislative reference bureau.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,431,190 or so much thereof as may be necessary to the office of the ombudsman for defraying the expenses of the office during fiscal year 2022-2023.

The sum appropriated in this section shall be expended by the ombudsman.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,419,815 or so much thereof as may be necessary to the office of the state ethics commission for defraying the expenses of the office during fiscal year 2022-2023.

The sum appropriated in this section shall be expended by the state ethics commission.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the following sums or so much thereof as may be necessary to be expended for the purpose of accrued vacation payments and vacation transfer payments for any employee leaving the employ of the senate, house of representatives, office of the auditor, legislative reference bureau, office of the ombudsman, and state ethics commission:

<u>Expending Agency</u>	<u>Amount</u>
Senate	\$245,000
House of Representatives	\$294,524
Office of the Auditor	\$68,106
Legislative Reference Bureau	\$26,810
Office of the Ombudsman	\$14,035
State Ethics Commission	\$16,553

provided that the appropriate expending agency shall first make payments from the vacation payout allocation before expending funds from turnover and vacancy amounts; and provided further that any unexpended funds shall lapse to the general fund on June 30, 2023.

ACT 2

SECTION 13. As of the close of business on June 30, 2023, the unexpended or unencumbered balance of any appropriation made by this Act shall lapse into the general fund.

SECTION 14. Each section of this Act is declared to be severable from the remainder of this Act.

SECTION 15. This Act shall take effect upon its approval.
(Approved March 24, 2022.)

ACT 2

H.B. NO. 1541

A Bill for an Act Relating to Criminal Complaints.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 805-1, Hawaii Revised Statutes, is amended to read as follows:

“**§805-1 Complaint; form of warrant.** When a complaint is made to any prosecuting officer of the commission of any offense, the prosecuting officer shall ~~[examine]~~ review the ~~[complainant, shall]~~ evidence, reduce the substance of the complaint to writing, and ~~[shall]~~ cause the complaint to be ~~[subscribed]~~:

- (1) Subscribed by the complainant under oath, which the prosecuting officer is hereby authorized to administer~~[-or the complaint shall be made];~~
- (2) Made by declaration in accordance with the rules of court~~[-]; or~~
- (3) Signed by the prosecuting officer.

If the original complaint results from the issuance of a traffic summons or a citation in lieu of an arrest pursuant to section 803-6, by a police officer, the oath may be administered by any police officer whose name has been submitted to the prosecuting officer and who has been designated by the chief of police to administer the oath, or the complaint may be submitted by declaration in accordance with the rules of court. Upon presentation of the written complaint to the judge in whose circuit the offense allegedly has been committed, the judge shall issue a warrant, reciting the complaint and requiring the sheriff, or other officer to whom it is directed, except as provided in section 805-3, to arrest the accused and to bring the accused before the judge to be dealt with according to law; and in the same warrant the judge may require the officer to summon such witnesses as are named in the warrant to appear and give evidence at the trial. The warrant may be in the form established by the usage and practice of the issuing court.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.
(Approved March 28, 2022.)

ACT 3

H.B. NO. 1427

A Bill for an Act Relating to Reports Filed with the Campaign Spending Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-334, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The candidate and treasurer of the candidate committee of each candidate whose name will appear on the ballot shall file preliminary, final, and supplemental reports as follows:

- (1) The filing dates for preliminary reports are:
 - (A) April 30 of the year of a general election;
 - (B) Thirty calendar days before a primary, initial special, or initial nonpartisan election;
 - (C) Ten calendar days before a primary, initial special, or initial nonpartisan election;
 - (D) October 1 of the year of a general election; and
 - (E) Ten calendar days before a general, subsequent special, or subsequent nonpartisan election; ~~provided that this preliminary report does not need to be filed by a candidate who is unsuccessful in a primary, initial special, or initial nonpartisan election, or a candidate who is elected to office in the primary, initial special, or initial nonpartisan election.]~~

provided that the preliminary reports required by subparagraphs (D) and (E) shall not be required from a candidate who is unsuccessful in a primary, initial special, or initial nonpartisan election, or a candidate who is elected to office in the primary, initial special, or initial nonpartisan election. The preliminary report filed by the date required under subparagraph (B) shall be current through June 30, and all other preliminary reports shall be current through the fifth calendar day before the filing deadline of those other preliminary reports;

- (2) The filing date for the final primary report is twenty calendar days after a primary, initial special, or initial nonpartisan election. The report shall be current through the day of the applicable election;
- (3) The filing date for the final election period report is thirty calendar days after a general, subsequent, subsequent special, or subsequent nonpartisan election. The report shall be current through the day of the applicable election. The final election period report shall be filed by a candidate who is unsuccessful in a primary, initial special, or initial nonpartisan election or a candidate who is elected to office in the primary, initial special, or initial nonpartisan election; provided that a candidate who is elected and is to be sworn into office ~~prior to~~ before thirty calendar days after a general, subsequent, subsequent special, or subsequent nonpartisan election in which the candidate was elected, shall file the final election period report three business days before the date the candidate is to be sworn into office; and
- (4) The filing dates for supplemental reports are:
 - (A) January 31 annually; and
 - (B) July 31 after an election year.

ACT 4

The report shall be current through December 31 for the report filed on January 31 and current through June 30 for the report filed on July 31.”

SECTION 2. Section 11-339, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) By June 30 of an election year, a candidate committee that does not intend to receive contributions~~[, or]~~ and make expenditures~~[,]~~ that aggregate more than \$1,000 in an election period shall notify the commission of its intent in the candidate committee’s organizational report.

(c) By the fifth calendar day before the due date of the preliminary primary report~~[,]~~ that is due ten days before the election, a noncandidate committee that does not intend to receive contributions~~[, or]~~ and make expenditures~~[,]~~ that aggregate more than \$1,000 in an election period shall notify the commission of its intent in the noncandidate committee’s organizational report.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 7, 2022.)

ACT 4

H.B. NO. 1471

A Bill for an Act Relating to Political Parties.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-62, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any group of persons hereafter desiring to qualify as a political party for election ballot purposes in the State shall file with the chief election officer a petition as provided in this section. The petition for qualification as a political party shall:

- (1) Be filed not later than 4:30 p.m. on the one hundred seventieth day prior to the next primary;
- (2) Declare as concisely as may be the intention of signers thereof to qualify as a statewide political party in the State and state the name of the new party;
- (3) Contain the name, signature, residence address, month and date portion of the date of birth, and other information as determined by the chief election officer of currently registered voters comprising not less than one-tenth of one per cent of the total registered voters of the State as of the last preceding general election;
- (4) Be accompanied by the names and addresses of the officers of the central committee and of the respective county committees of the political party and by the party rules; and
- (5) Be upon the form prescribed and provided by the chief election officer.”

SECTION 2. Section 11-63, Hawaii Revised Statutes, is amended to read as follows:

“§11-63 Party rules, amendments to be filed. All parties must file their rules with the chief election officer not later than 4:30 p.m. on the one hundred [fiftieth] seventieth day prior to the next primary. All amendments shall be filed with the chief election officer not later than 4:30 p.m. on the thirtieth day after their adoption. The rules and amendments shall be duly certified to by an authorized officer of the party and upon filing, the rules and amendments thereto shall be a public record.”

SECTION 3. Section 11-64, Hawaii Revised Statutes, is amended to read as follows:

“§11-64 Names of party officers to be filed. All parties shall submit to the chief election officer and the respective county clerks not later than 4:30 p.m. on the [ninetieth] one hundred seventieth day prior to the next primary, a list of names and addresses of officers of the central committee and of the respective county committees.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 7, 2022.)

ACT 5

H.B. NO. 2392

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, section 9, of the Constitution of the State of Hawaii.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$99,433,565 or so much thereof as may be necessary for fiscal year 2021-2022 and the sum of \$71,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for coronavirus disease 2019 pandemic mitigation, including vaccinations, distribution of supplies, testing, monitoring, reporting, and related staffing.

The sums appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 12, 2022.)

ACT 6

H.B. NO. 2180

A Bill for an Act Relating to Harbors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 266-2.3, Hawaii Revised Statutes, is repealed.

SECTION 2. Section 266-22, Hawaii Revised Statutes, is repealed.

ACT 7

SECTION 3. Statutory material to be repealed is bracketed and stricken.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved April 13, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 7

S.B. NO. 3143

A Bill for an Act Relating to Conformity to the Internal Revenue Code.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to conform Hawaii income and estate and generation-skipping transfer tax laws to the Internal Revenue Code.

SECTION 2. Section 235-2.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) For all taxable years beginning after December 31, [2020,] 2021, as used in this chapter, except as provided in this section and [section] sections 235-2.35, 235-2.4, and 235-2.45, “Internal Revenue Code” means subtitle A, chapter 1, of the federal Internal Revenue Code of 1986, as amended as of December 31, [2020,] 2021, as it applies to the determination of gross income, adjusted gross income, ordinary income and loss, and taxable income, except those provisions of the Internal Revenue Code which, pursuant to this chapter, do not apply or are otherwise limited in application.

Sections 9672(1) (relating to tax treatment of targeted EIDL advances) and 9673(1) (relating to tax treatment of restaurant revitalization grants) of Public Law 117-2 shall be operative for purposes of this chapter. No amount received under section 9601 (relating to 2021 recovery rebates to individuals) of Public Law 117-2 shall be included in gross income for purposes of this chapter.

Sections 276(b)(1) (relating to subsequent paycheck protection program loans), 277 (relating to emergency financial aid grants), 278(b)(1) (relating to emergency EIDL grants and targeted EIDL advances), 278(c)(1) (relating to subsidy for certain loan payments), and 278(d)(1) (relating to grants for shuttered venue operators) of Division N of Public Law 116-260 shall be operative for purposes of this chapter. Sections 213 (relating to modification of limitations on charitable contributions) and 214 (relating to temporary special rules for health and dependent care flexible spending arrangements) of Division EE of Public Law 116-260 shall be operative for purposes of this chapter. Sections 301, 302, and 304 (relating to disaster tax relief) of Division EE of Public Law 116-260 shall be operative for purposes of this chapter. No amount received under section 272 (relating to additional 2020 recovery rebates for individuals) of Division N of Public Law 116-260 shall be included in gross income for purposes of this chapter.

Sections 1106(i) (relating to exclusion of loan forgiveness from gross income), 2202(b) (relating to loans from retirement plans), and 2205 (relating to charitable contributions) of Public Law 116-136 shall be operative for purposes of this chapter. No amount received under section 2201 (relating to recovery

rebates) of Public Law 116-136 shall be included in gross income for purposes of this chapter.

Section 2202(a) (relating to tax-favored withdrawals from retirement plans) of Public Law 116-136 shall be operative for purposes of this chapter and shall apply to taxable years beginning after December 31, 2019.

Prior law shall continue to be used to determine:

- (1) The basis of property, if a taxpayer first determined the basis of property in a taxable year to which prior law applies; and
- (2) Gross income, adjusted gross income, ordinary income and loss, and taxable income for a taxable year to which prior law applies.”

SECTION 3. Section 236E-3, Hawaii Revised Statutes, is amended to read as follows:

“§236E-3 Conformance to the Internal Revenue Code; general application. For all decedents dying, or transfers occurring, after December 31, [2020,] 2021, as used in this chapter, “Internal Revenue Code” means subtitle B of the federal Internal Revenue Code of 1986, as amended as of December 31, [2020,] 2021, as it applies to the determination of gross estate, adjusted gross estate, federal taxable estate, and generation-skipping transfers, except those provisions of the Internal Revenue Code and federal public laws that, pursuant to this chapter, do not apply or are otherwise limited in application.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that:

- (1) Section 2 shall apply to taxable years beginning after December 31, 2021; provided that section 2202(a) (relating to tax-favored withdrawals from retirement plans) of Public Law 116-136 shall apply to taxable years beginning after December 31, 2019; and
- (2) Section 3 shall apply to decedents dying or taxable transfers occurring after December 31, 2021.

(Approved April 21, 2022.)

ACT 8

S.B. NO. 2303

A Bill for an Act Relating to the General Excise Tax.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 237-30, Hawaii Revised Statutes, is amended to read as follows:

“§237-30 Monthly, quarterly, or semiannual return, computation of tax, payment. (a) The taxes levied hereunder shall be payable in monthly installments on or before the twentieth day of the calendar month following the month in which they accrue. The taxpayer, on or before the twentieth day of the calendar month following the month in which the taxes accrue, shall make out and sign a return of the installment of tax for which the taxpayer is liable for the preceding month and transmit the same, together with a remittance, in the form required by section 237-31, for the amount of the tax, to the department of taxation in the form and manner prescribed by the department.

ACT 8

(b) Notwithstanding subsection (a), the director of taxation, for good cause, may permit a taxpayer to file the taxpayer's return required under this section and make payments thereon:

- (1) On a quarterly basis during the calendar or fiscal year, the return and payment to be made on or before the twentieth day of the calendar month after the close of each quarter, to wit: for calendar year taxpayers, on or before April 20, July 20, October 20, and January 20 or, for fiscal year taxpayers, on or before the twentieth day of the fourth month, seventh month, and tenth month following the beginning of the fiscal year and on or before the twentieth day of the month following the close of the fiscal year; provided that the director is satisfied that the grant of the permit will not unduly jeopardize the collection of the taxes due thereon and the taxpayer's total tax liability for the calendar or fiscal year under this chapter will not exceed \$4,000; or
- (2) On a semiannual basis during the calendar or fiscal year, the return and payment to be made on or before the twentieth day of the calendar month after the close of each six-month period, to wit: for calendar year taxpayers, on July 20 and January 20 or, for fiscal year taxpayers, on or before the twentieth day of the seventh month following the beginning of the fiscal year and on or before the last day of the month following the close of the fiscal year; provided that the director is satisfied that the grant of the permit will not unduly jeopardize the collection of the taxes due thereon and the taxpayer's total tax liability for the calendar or fiscal year under this chapter will not exceed \$2,000.

The director, for good cause, may permit a taxpayer to make monthly payments based on the taxpayer's estimated quarterly or semiannual liability, provided the taxpayer files a reconciliation return at the end of each quarter or at the end of each six-month period during the calendar or fiscal year, as provided in this section.

(c) If a taxpayer filing the taxpayer's return on a quarterly or semiannual basis, as provided in this section, becomes delinquent in either the filing of the taxpayer's return or the payment of the taxes due thereon, or if the liability of a taxpayer, who possesses a permit to file the taxpayer's return and to make payments on a semiannual basis exceeds \$2,000 in general excise taxes during the calendar year or exceeds \$4,000 in general excise taxes during the calendar year if making payments on a quarterly basis, or if the director determines that any such quarterly or semiannual filing of return would unduly jeopardize the proper administration of this chapter, including the assessment or collection of the general excise tax, the director may, at any time, revoke a taxpayer's permit, in which case the taxpayer will then be required to file the taxpayer's return and make payments thereon as herein provided in subsection (a).

(d) Notwithstanding any other law to the contrary, the director may exempt from the requirements of this section a taxpayer whose tax liability under this chapter does not exceed \$100 for the taxable year; provided that the taxpayer complies with the requirements of section 237-33.

~~(d)~~ (e) The director may adopt and promulgate rules and regulations to carry out the purposes of this section.

~~(e)~~ (f) Section 232-2 does not apply to a monthly return."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2022.

(Approved April 21, 2022.)

ACT 9

H.B. NO. 2147

A Bill for an Act Relating to Municipal Solid Waste Landfill Permits.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 73, Session Laws of Hawaii 2020, deleted the phrase, “any federal agency,” from the entities included in the term “person” under section 342H-52, Hawaii Revised Statutes, in defining “person.” The legislative intent, as described in Standing Committee Report No. 1273-20, was for “[m]aking inapplicable to federal agencies the prohibition on construction, operation, modification, expansion, or closure of a municipal solid waste landfill unit without first obtaining a permit from the Director of Health”. However, section 342H-1, Hawaii Revised Statutes, defines “person” to mean “any individual, partnership, firm, association, public or private corporation, federal agency, the State or any of its political subdivisions, trust, estate, or any other legal entity”. Thus, at a minimum, there is a conflict between the plain language of the law and the intent.

More importantly, as confirmed by the United States Environmental Protection Agency in a letter signed April 19, 2021, “the removal of the [Hawaii Department of Health’s] authority to issue permits to federal agency municipal solid waste landfills appears to place the State in non-compliance with the Resource Conservation and Recovery Act, section 4005(c) codified in 42 United States Code, section 6945, Code of Federal Regulations section 239.6(e), which require that states adopt and implement permit programs that assure each solid waste management facility within their state obtains a permit and complies with the applicable criteria”.

As stated in title 40 Code of Federal Regulations section 239.13, “Criteria and procedures for withdrawal of determination of adequacy”, states, “(a) The Regional Administrator [of the U.S. Environmental Protection Agency] may initiate withdrawal of a determination of adequacy when the Regional Administrator has reason to believe that: (1) A state no longer has an adequate permit program; or (2) The state no longer has adequate authority to administer and enforce an approved program in accordance with this part.”

The removal of the Department of Health’s authority to permit federal municipal solid waste landfills not only removes regulatory oversight of the design, construction, and operation of federal municipal solid waste landfills, but creates the loss of an approved municipal solid waste landfill permit program in accordance with federal regulations. The loss of a federal approved program will deny other municipal solid waste landfills in the State, which are currently all owned by the counties, the ability to design, operate, close, and monitor their landfills using alternative designs or methods to the federal standards that could be more suitable for local site conditions and more cost-effective. For example, federal prescribed liner systems require a minimum of two feet of soil with a maximum hydraulic conductivity of 0.0000001 cm/s. However, soil with this type of permeability on the island of Hawaii is nearly impossible to find on-island. A geosynthetic alternative to this soil could be utilized to meet this design standard, but this option would not be permissible without a state-approved permit program.

ACT 10

The purpose of this Act is to reinstate the department of health’s authority to permit federal municipal solid waste landfills by restoring “any federal agency” to the entities included in the term “person” in section 342H-52(a), Hawaii Revised Statutes.

SECTION 2. Section 342H-52, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person, including any federal agency, the State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a permit from the director. All permits for municipal solid waste landfill units shall be subject to any terms and conditions that the director determines are necessary to protect human health or the environment.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 21, 2022.)

ACT 10

H.B. NO. 1339

A Bill for an Act Relating to Impeachment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 3 to be appropriately designated and to read as follows:

**“CHAPTER
IMPEACHMENT OF THE GOVERNOR; LIEUTENANT GOVERNOR**

§ -1 **Articles of impeachment; hearing.** Impeachment of the governor or lieutenant governor shall be instituted in the house of representatives by introduction and adoption of a resolution appointing managers of the house of representatives to prepare and recommend articles of impeachment on the house floor, and if adopted, deliver the articles of impeachment to the senate for the senate’s consideration to prosecute. The hearing shall be heard before the senate sitting as a court of impeachment. Each house shall adopt rules to carry out the provisions of this chapter.

§ -2 **Causes for impeachment.** The house of representatives shall have the power of impeachment of the governor or lieutenant governor for malfeasance in office, corruption, dereliction of duty, or other high crimes or misdemeanors. Impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State, but the person convicted may be liable and subject to indictment, trial, judgment, and punishment as provided by law.”

SECTION 2. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

ACT 11

S.B. NO. 3038

A Bill for an Act Relating to Information Privacy and Security Council.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds it to be in the best interest of the public to allow each member of the information privacy and security council to appoint a designee to act on the member's behalf to ensure quorum.

SECTION 2. Section 487N-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established an information privacy and security council within the department of accounting and general services for administrative purposes only. Members of the council shall be appointed no later than September 1, 2008, by the governor without regard to section 26-34 and shall be composed of the following representatives:

- (1) Executive agencies that maintain extensive personal information in the conduct of their duties, including the department of commerce and consumer affairs, the department of education, the department of health, the department of human resources development, the department of human services, and the University of Hawaii, to be selected by the governor;
- (2) The legislature, to be selected by the president of the senate and the speaker of the house of representatives;
- (3) The judiciary, to be selected by the chief justice of the Hawaii supreme court; and
- (4) The four counties, to be selected by the mayor of each county; provided that the mayor of each county shall determine the extent to which the county may or may not participate.

Each member of the council may designate a person from that member's agency to attend meetings and act on the member's behalf, including for voting purposes, when the member is unable to attend a meeting. The chief information officer or the chief information officer's designee shall serve as chair of the council.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

ACT 12

S.B. NO. 2998

A Bill for an Act Relating to Recycling.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the office of the auditor conducts a financial and program audit of the department of health's deposit beverage container program every other year. Time after time, these audits demonstrate the program's failure to develop and execute procedures to verify the accuracy and completeness of data used to support claims of the deposit and container fees paid to the program by the distributors, as well as deposits and handling fees paid to the redemption centers. Without such procedures, the program relies on self-reported data and accepts that cash receipts from the distributors and

ACT 12

payments made to redemption centers are accurate and complete. As a result, these audits have found inaccuracies and possible fraudulent reporting in the data used in these calculations. In the auditor's 2019 report to the legislature, one of the recommendations made for the deposit beverage container program management was to develop a risk-based process to select, for periodic audit, certain distributor and redemption center reports submitted to the program.

Therefore, the purpose of this Act is to require the department of health to develop a risk-based process to help remedy the flaws in the deposit beverage container program.

SECTION 2. Chapter 342G, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§342G- Risk-based selection process; audit. (a) The department shall develop a risk-based process to select, for periodic audit, certain deposit beverage distributor and redemption center reports submitted to the deposit beverage container program. The department may hire personnel or external consultants to perform the audits. In developing a risk-based process to audit certain deposit beverage distributor and redemption center reports, the department shall:

- (1) Consider a variety of risk factors, including but not limited to the amount of money transacted, prior audit findings, and frequency of the deposit beverage distributor's or redemption center's prior audits;
 - (2) Require deposit beverage distributors to send monthly or semi-annual distribution reports and supporting records, such as schedules of invoices, shipping documents, point-of-sale reports, and other documentation as required by the department, to the deposit beverage container program; and
 - (3) Ensure that the audit process includes a risk assessment derived from deposit beverage distributor and redemption center data based on the reports submitted, including but not limited to carrying out analytics and trend analyses to target certain deposit beverage distributors and redemption centers having unusual fluctuations.
- (b) The department shall:
- (1) Summarize the results of the deposit beverage distributor and redemption center audits and assess whether enforcement actions should be considered to ensure that the amounts that are being reported are accurate;
 - (2) Consider conducting follow-up audits; and
 - (3) Consider publicly announcing violations.
- (c) All deposit beverage distributors shall:
- (1) Develop and submit to the deposit beverage container program for approval an internal control process to ensure that the monthly or semi-annual distribution report forms contain accurate data and that adequate records are maintained; and
 - (2) Obtain independent audits for years ending in an odd number.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 13

S.B. NO. 2780

A Bill for an Act Relating to the Power of Arrest.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 201, Session Laws of Hawaii 1980, codified as section 803-16, Hawaii Revised Statutes, conferred upon officers of the United States Customs Service and the Immigration and Naturalization Service the power to arrest under state law. Act 201 helped to provide additional protection at state airports and harbors by authorizing customs and immigration officers to assist in maintaining law and order. These officers were often able to observe suspicious activities but were not authorized to take action pursuant to state law prior to the enactment of Act 201.

In 2003, the Department of Homeland Security was created. Twenty-three agencies were established under this department, including United States Immigration and Customs Enforcement (ICE), United States Customs and Border Protection (CBP), and United States Citizenship and Immigration Services (USCIS). These agencies include the law enforcement arms of the agencies formerly known as the United States Customs Service and the Immigration and Naturalization Service.

Currently, United States Immigration and Customs Enforcement-Homeland Security Investigations (Homeland Security Investigations), the criminal investigations component of United States Immigration and Customs Enforcement, is the principal investigative arm of the Department of Homeland Security. Homeland Security Investigations is responsible for investigating transnational crime and threats, specifically those criminal organizations that exploit the global infrastructure through which international trade, travel, and finance operate. The legislature notes that Homeland Security Investigations has the second largest number of federal law enforcement officers in the State, and its special agents and criminal analysts provide, on a daily basis, operational and investigative support to law enforcement entities across the State.

Act 95, Session Laws of Hawaii 2008, amended section 803-16, Hawaii Revised Statutes, to reflect changes made to certain federal agencies. Act 95 also established section 803-17, Hawaii Revised Statutes, which grants arrest powers to deputies of the United States Marshal Service. While Act 95 granted authority to deputy marshals, and amended section 803-16, Hawaii Revised Statutes, to reference United States Customs and Border Protection and United States Citizenship and Immigration Services, the Act did not include Homeland Security Investigations. Furthermore, by including officers of the United States Citizenship and Immigration Services, Act 95 granted arrest powers to an agency that does not have the authority to make arrests under federal law. In contrast, United States Immigration and Customs Enforcement-Homeland Security Investigations special agents and United States Customs and Border Protection officers do have this authority.

The legislature further finds that the grant of limited arrest powers, under state law, to agents of United States Immigration and Customs Enforcement-Homeland Security Investigations would promote enhanced collaboration with state law enforcement counterparts to protect national security, prevent crimes of exploitation, combat financial crimes, investigate cybercrime and other threats, and ensure public safety. The legislature recognizes that state and county law enforcement agencies often rely on federal law enforcement agencies for cooperation and support in responding to natural disasters, participating in joint law enforcement task forces, and addressing major or national events.

Accordingly, the purpose of this Act is to:

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- (1) Update the list of federal agencies whose law enforcement officers may make arrests for certain offenses under state law by adding United States Immigration and Customs Enforcement-Homeland Security Investigations and deleting United States Citizenship and Immigration Services from the list; and
- (2) Update references to the titles of the heads of the district offices for the listed federal agencies and the names of these agencies, including United States Customs and Border Protection.

SECTION 2. Section 803-16, Hawaii Revised Statutes, is amended to read as follows:

“§803-16 [Officer] Law enforcement officers of the United States Immigration and Customs Enforcement-Homeland Security Investigations or United States Customs and Border Protection [Service or Citizenship and Immigration Services]; arrest powers. [A~~n~~] A law enforcement officer of the United States Immigration and Customs Enforcement-Homeland Security Investigations or United States Customs and Border Protection [Service or the Citizenship and Immigration Services], without a warrant, may arrest a person if:

- (1) The officer is on duty;
- (2) One or more of the following situations exists:
 - (A) The person commits an assault or other crime involving physical harm, defined and punishable under chapter 707, against the officer or against any other person in the presence of the officer;
 - (B) The person commits an offense against public order, defined and punishable under chapter 711, in the presence of the officer;
 - (C) The officer has probable cause to believe that a crime as provided in subparagraph (A) or (B) has been committed and has probable cause to believe that the person to be arrested has committed the crime;
 - (D) The officer has probable cause to believe that a felony has been committed and probable cause to believe that the person to be arrested has committed the felony; or
 - (E) The officer has received information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that a law enforcement officer holds a warrant for the person’s arrest; and
- (3) The [Director of the Hawaii district office for the] special agent in charge, United States Immigration and Customs Enforcement-Homeland Security Investigations Honolulu, or the port director of the area port of Honolulu of the United States Customs and Border Protection [Service, or the Citizenship and Immigration Services], as the case may be, certifies to the State that the officer has received proper training within the agency to enable that officer to [enforce or administer] make arrests as provided in this section.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

ACT 14

S.B. NO. 2741

A Bill for an Act Relating to the Commission to Promote Uniform Legislation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii commission to promote uniform legislation was created by law in 1911 and is Hawaii's delegation to the National Conference of Commissioners on Uniform State Laws (now commonly referred to as the "Uniform Law Commission").

The legislature finds that one of the primary duties of the Hawaii commission to promote uniform legislation is the duty to represent the State during the annual meeting of the Uniform Law Commission, as required by section 3-2, Hawaii Revised Statutes. The Hawaii commission works on an annual basis with the Uniform Law Commission to select, draft, consider, and amend various legislation to be adopted by the Uniform Law Commission as uniform laws. Uniform laws enacted in Hawaii include the Uniform Commercial Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Interstate Family Support Act, the Uniform Anatomical Gift Act, and the Uniform Probate Code, which have been adopted uniformly or have been used extensively by most state legislatures. To perform their duties as the Hawaii delegation to the Uniform Law Commission, all members of the commission should be permitted to attend and fully participate in meetings, often held outside the State, that are hosted by the Uniform Law Commission, including sessions to draft, consider, and vote on the Uniform Law Commission's adoption of proposed uniform acts.

The purpose of this Act is to provide a limited exemption for the members of the commission to promote uniform legislation from certain requirements of the sunshine law, part I of chapter 92, Hawaii Revised Statutes, to permit any number of members of the commission to attend and fully participate in the meetings hosted by the Uniform Law Commission, in furtherance of their goal of representing and promoting uniformity of legislation for the State of Hawaii.

The legislature recognizes that, under section 26-7, Hawaii Revised Statutes, the Hawaii commission to promote uniform legislation also sits in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. One of the duties under this capacity is the duty to determine the uniform legislation drafted and adopted by the Uniform Law Commission that should be proposed or recommended for enactment in Hawaii. The legislature notes that the sunshine law exemption provided under this Act does not extend to any meeting in which the commissioners discuss and vote on which uniform legislation may be recommended or proposed to the legislature.

SECTION 2. Section 3-1, Hawaii Revised Statutes, is amended to read as follows:

"§3-1 Commission. There shall be established a commission [~~for the State,~~] to promote uniform legislation, placed within the department of the attorney general for administrative purposes, to promote uniformity of legislation in the United States, to be composed of five commissioners, who shall be appointed by the governor in the manner prescribed in section 26-34. The commissioners shall serve without pay but shall be entitled to such technical, clerical, and stenographic assistance, to be furnished by the department of the attorney general, as may be necessary or proper to carry out their duties."

SECTION 3. Section 3-2, Hawaii Revised Statutes, is amended to read as follows:

“§3-2 Duties. (a) The commissioners shall examine all subjects upon which uniformity of legislation in the several states and territories is desirable; ascertain and recommend the best means to effectuate such uniformity and represent the State in conventions of like commissioners of the several states and territories for the consideration and recommendation of uniform laws to be submitted to the several state and territorial legislatures for action; and, generally, devise and recommend such other course of action as may tend to accomplish such purposes.

(b) The members of the commission to promote uniform legislation shall be exempt from any limit on the number of members who may attend meetings and other presentations under section 92-2.5(e) for the purpose of attending and participating in meetings hosted by the National Conference of Commissioners on Uniform State Laws, also known as the “Uniform Law Commission”, regardless of whether the meetings are held specifically and exclusively for or directed toward members of the commission to promote uniform legislation. The meetings hosted by the Uniform Law Commission and attended by the commissioners shall not be considered to be meetings of the commission and shall be exempt from the requirements of sections 92-3, 92-7, and 92-9; provided that the commissioners may not vote on which uniform legislation should be proposed or recommended to the legislature for enactment in Hawaii at the meetings hosted by the Uniform Law Commission; provided further that commissioners who attend the meetings hosted by the Uniform Law Commission shall report at the next duly noticed meeting of the commission their attendance and the matters presented or discussed during the hosted meetings that related to official commission business. This exemption shall be in addition to the permitted interactions of members listed in section 92-2.5.”¹

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

Note

1. So in original.

ACT 15

S.B. NO. 2376

A Bill for an Act Relating to Tobacco Taxes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 245-26, Hawaii Revised Statutes, is amended as follows:

1. By amending its title to read:

“§245-26 Price; payment[; ~~deferred payment purchases~~.]”

2. By amending subsection (b) to read:

“(b) Payment for stamps shall be made at the time of purchase[; ~~provided that a licensee may defer payments pursuant to section 245-27.]~~ in cash, by certified check, or by bank transfer.”

SECTION 2. Section 245-27, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 245-28, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 245-29, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 245-30, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 7. This Act shall take effect on January 1, 2023.

(Approved April 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 16

S.B. NO. 2305

A Bill for an Act Relating to the Comprehensive Offender Reentry System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 353L-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The commission shall:

- (1) Oversee the State’s correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;
- (2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;
- (3) Work with the department of public safety in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority’s oversight of parolees. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and
- (4) Ensure that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the [~~maximum~~] minimum terms have been served instead of delaying the release for lack of programs and services.

To achieve these ends, the commission shall authorize the oversight coordinator to adopt rules in accordance with chapter 91.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

A Bill for an Act Relating to the Children’s Justice Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 588-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The ~~purpose~~ purposes of the program shall be to:
- (1) Develop, achieve, and maintain interagency and interprofessional cooperation and coordination in the investigation of and ~~ease~~ management of ~~[intrafamilial and extrafamilial]~~ cases involving suspected or confirmed:
 - (A) Victims of child sex abuse [and], serious physical child abuse [eases;], child sex trafficking, commercial sexual exploitation of children, and other child maltreatment; and
 - (B) Child witnesses to crime or violence;
 - (2) Facilitate in an impartial manner the professional gathering of information by public and private agencies and their providers for court proceedings involving child victims and witnesses;
 - (3) Reduce to the absolute minimum the number of interviews of child ~~[sex abuse]~~ victims and witnesses so as to minimize revictimization of the child;
 - (4) Coordinate the therapeutic and treatment program for child ~~[sex abuse]~~ victims and witnesses and their families;
 - (5) Provide for a multidisciplinary team and case management approach ~~[which is focused first, on the alleged or suspected child sex abuse victim’s needs and conditions;]~~ that focuses on the needs of, first, the child victim or witness; second, [on the] family members who are supportive of the child and whose interests are consistent with the best interests of the child; and third, [on] law enforcement and [prosecutorial needs;] prosecuting agencies;
 - (6) Provide for the training and continuing education of skilled professional interviewers of child ~~[sex abuse]~~ victims[;] and witnesses; and
 - (7) Serve as the focus of information and referral for child ~~[sex abuse]~~ victim and witness programs.”

SECTION 2. Section 588-4, Hawaii Revised Statutes, is amended to read as follows:

- “**§588-4 Duties of the director.** The director shall:
- (1) Enter into agreements with police departments, departments of the prosecuting attorneys and county corporation counsels, the departments of the attorney general, health, and human services, and other public and private agencies, including agreements for the temporary assignment of appropriate personnel from each agency to the program;
 - (2) Enter into contracts for the provision of specialized training and continuing education for interviewers of child ~~[sex abuse]~~ victims and ~~[child]~~ witnesses from both public and private agencies and providers;
 - (3) Arrange for interviews of child ~~[sex abuse]~~ victims and ~~[child]~~ witnesses in an appropriate setting;
 - (4) Promote interagency cooperation and coordination, including information sharing and gathering, among the public and private

agencies and their providers that deliver investigative, case management, and therapeutic services;

- (5) Coordinate the flow of information between the agencies responsible for criminal prosecution and the agencies responsible for protective action in civil proceedings, including those professionals providing services to children and their families;
- (6) Arrange for the exchange of information, to include statistical data from public and private agencies involved in child ~~[sex-abuse]~~ victims' and witnesses' programs and issues;
- (7) Develop recommendations and plans for action to assist the public and private agencies involved in cases of child ~~[sex-abuse and serious physical child-abuse;]~~ victims and witnesses; and
- (8) Prepare and maintain records and reports for the program.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

Note

- 1. So in original.

ACT 18

S.B. NO. 2082

A Bill for an Act Relating to Abuse of Family or Household Members.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Notwithstanding section 706-669 and any other law to the contrary, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies:

- (a) Section 134-7 relating to persons prohibited from owning, possessing, or controlling firearms or ammunition;
- (b) Section 134-8 relating to ownership, etc., of certain prohibited weapons;
- (c) Section 134-17 only as it relates to providing false information or evidence to obtain a permit under section 134-9;
- (d) Section 188-23 relating to possession or use of explosives, electro-fishing devices, and poisonous substances in state waters;
- (e) Section 386-98(d)(1) relating to fraud violations and penalties;
- (f) Section 431:2-403(b)(2) relating to insurance fraud;
- (g) Section 707-703 relating to negligent homicide in the second degree;
- (h) Section 707-711 relating to assault in the second degree;
- (i) Section 707-713 relating to reckless endangering in the first degree;
- (j) Section 707-716 relating to terroristic threatening in the first degree;
- (k) Section 707-721 relating to unlawful imprisonment in the first degree;
- (l) Section 707-732 relating to sexual assault in the third degree;
- (m) Section 707-752 relating to promoting child abuse in the third degree;
- (n) Section 707-757 relating to electronic enticement of a child in the second degree;

- (o) Section 707-766 relating to extortion in the second degree;
- (p) Section 708-811 relating to burglary in the second degree;
- (q) Section 708-821 relating to criminal property damage in the second degree;
- (r) Section 708-831 relating to theft in the second degree;
- (s) Section 708-835.5 relating to theft of livestock;
- (t) Section 708-836 relating to unauthorized control of propelled vehicle;
- (u) Section 708-839.55 relating to unauthorized possession of confidential personal information;
- (v) Section 708-839.8 relating to identity theft in the third degree;
- (w) Section 708-852 relating to forgery in the second degree;
- (x) Section 708-854 relating to criminal possession of a forgery device;
- (y) Section 708-875 relating to trademark counterfeiting;
- (z) Section 709-906(8), (9), or (10) relating to abuse of family or household members;

- ~~[(z)]~~ (aa) Section 710-1071 relating to intimidating a witness;
- ~~[(aa)]~~ (bb) Section 711-1103 relating to riot;
- ~~[(bb)]~~ (cc) Section 712-1221 relating to promoting gambling in the first degree;
- ~~[(ee)]~~ (dd) Section 712-1224 relating to possession of gambling records in the first degree;
- ~~[(dd)]~~ (ee) Section 712-1247 relating to promoting a detrimental drug in the first degree; or
- ~~[(ee)]~~ (ff) Section 846E-9 relating to failure to comply with covered offender registration requirements,

or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B felony, or any of the class C felony offenses enumerated above and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same: murder, murder in the first or second degree, a class A felony, a class B felony, any of the class C felony offenses enumerated above, or any felony conviction of another jurisdiction, shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole as provided in subsection (2).”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

ACT 19

S.B. NO. 1048

A Bill for an Act Relating to Hawaii Criminal Justice Data Center Fees.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 846-10.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except for services provided to criminal justice agencies and state ~~[or county]~~ agencies for employment purposes, the Hawaii criminal justice data center and state and county criminal justice agencies shall assess ~~[the following]~~ fees for services provided or to be provided, which shall be deposited into the criminal history record improvement revolving fund[:

- (1) ~~For each criminal history record check or criminal history record name inquiry conducted by the data center and other state and county agencies, \$20;~~
- (2) ~~For each criminal history record name inquiry via an electronic database maintained by the data center that is accessible to users through an interactive computer-based system, for which a certified printout is requested, \$10 per printout;~~
- (3) ~~For processing of each application for the expungement of arrest records, \$25;~~
- (4) ~~For certification of documents, \$10 per document;~~
- (5) ~~For each duplicate expungement certificate requested, \$15; and~~
- (6) ~~For each complete set of fingerprints taken, \$15].”~~

SECTION 2. Statutory material to be repealed is bracketed and stricken.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 27, 2022.)

ACT 20

S.B. NO. 3152

A Bill for an Act Making an Emergency Appropriation to the Department of Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, of section 9 of the Constitution of the State of Hawaii.

SECTION 2. The legislature finds that Act 88, Session Laws of Hawaii 2021, provided \$15,000,000 in highways special funds for the highways division’s special maintenance program in fiscal year 2021-2022. This Act will increase the total to \$35,000,000 for the special maintenance program in fiscal year 2021-2022. The purpose of the highways division’s special maintenance program is to preserve the State’s initial capital investment and to prolong the life of the highway facility. Traffic, weather, and age are the major causes of the facility deterioration. The special maintenance program is a systematic maintenance program to prevent further and accelerated deterioration of the highway facility. The intent of the special maintenance program is to avoid major repairs and to minimize routine maintenance costs. Since the closing of the 2021 regular session, the state highway fund balance is projected to be greater than anticipated due to the passage of Act 237, Session Laws of Hawaii 2021, which increased the rental motor vehicle surcharge tax each year by \$0.50 from January 1, 2022, to December 31, 2027; the state highway fund’s receipt of \$42,000,000 in federal funds from the Coronavirus Response and Relief Supplemental Appropriations Act of 2021; and the State’s better-than-anticipated economic recovery.

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Accordingly, the purpose of this Act is to make an emergency appropriation to the department of transportation to authorize additional funding for the highways division's special maintenance program.

SECTION 3. There is appropriated out of the state highway fund the sum of \$20,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 for the department of transportation to provide funding for the highways division's special maintenance program.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act; provided that the funds appropriated shall not lapse at the end of the fiscal year for which they were appropriated, but any moneys unspent and unencumbered as of June 30, 2023, shall lapse on that date.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 5, 2022.)

ACT 21

S.B. NO. 3046

A Bill for an Act Making an Emergency Appropriation to the Department of the Attorney General.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, section 9, of the Constitution of the State of Hawaii.

SECTION 2. The State is involved in major litigation that could result in costly judgments against it if not vigorously defended. These lawsuits will require the State to retain expert witnesses and expert counsel.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 to be used by the department of the attorney general in major litigation involving the State.

The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 4. The appropriation authorized under this Act shall not lapse at the end of the fiscal year for which the appropriation is made; provided that any unexpended and unencumbered balance of the appropriation made in this Act as of the close of business on June 30, 2023, shall lapse.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 5, 2022.)

ACT 22

S.B. NO. 3098

A Bill for an Act Making an Emergency Appropriation to the Department of Education for Lead Abatement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, section 9 of the Constitution of the State of Hawaii.

SECTION 2. The legislature finds that in providing a safe educational space for students to learn, the department of education strives to ensure that its facilities are maintained to protect the health and safety of its students, teachers, and staff. According to the United States Environmental Protection Agency, there is no known safe level of lead in a child’s blood, and lead is harmful to health, especially for children.

The legislature further finds that the results of the recently completed first phase of the United States Environmental Protection Agency’s Water Infrastructure Improvements for the Nation Act grant program found that some department of education elementary schools in Hawaii have old plumbing fixtures that are depositing trace amounts of lead into drinking water sources.

The purpose of this Act is to appropriate funds for fiscal year 2021-2022 for lead abatement measures at department of education elementary schools, including the repair or replacement of plumbing fixtures shown to have lead levels of more than five parts per billion.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,850,000 or so much thereof as may be necessary for fiscal year 2021-2022 for the purpose of lead abatement measures at department of education elementary schools.

The sum appropriated shall be expended by the department of education.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 5, 2022.)

ACT 23

S.B. NO. 3134

A Bill for an Act Relating to the Payment of Debt Service on the Turtle Bay Reimbursable General Obligation Bonds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 173A-13, Hawaii Revised Statutes, is amended to read as follows:

“~~[[[~~§173A-13~~]]]~~ Payment of debt service on the Turtle Bay reimbursable general obligation bonds. ~~[Notwithstanding any laws to the contrary:~~

- ~~(1) Beginning July 1, 2015, a nonprofit land conservation organization shall file an application annually with the board requesting \$1,500,000 from the land conservation fund¹ for the reimbursement of debt service on the Turtle Bay reimbursable general obligation bonds until the bonds are fully amortized;~~
- ~~(2) The board shall not require the nonprofit land conservation organization that is the recipient of a grant for the payment of debt service on the Turtle Bay reimbursable general obligation bonds to provide any additional matching funds; and~~

~~(3)] (a) The board shall be responsible for the reimbursement of debt service on the Turtle Bay reimbursable general obligation bonds from the land conservation fund in the amount of \$1,500,000 per fiscal year until the bonds are fully amortized.~~

~~(b) Moneys ~~[awarded]~~ expended for the payment of debt service on the Turtle Bay reimbursable general obligation bonds shall be deposited into the Turtle Bay conservation easement special fund.”~~

ACT 24

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 5, 2022.)

Note

1. Prior to amendment “to be used” appeared here.

ACT 24

H.B. NO. 1848

A Bill for an Act Relating to Student Journalism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the Hawaii Student Journalism Protection Act.

SECTION 2. The legislature finds that states may enhance the protections guaranteed by the First Amendment of the United States Constitution through state laws, rules, and regulations. The legislature further finds that student journalists attending Hawaii public schools and the University of Hawaii need additional protection against censorship, and that advisors need additional protections against retaliation for refusing to illegally censor student journalists.

Pursuant to the exclusive jurisdiction of the legislature to identify laws of statewide concern granted under article X, section 6, of the Hawaii State Constitution, the legislature further finds that allowing student journalists at the University of Hawaii to exercise freedom of speech and freedom of the press in school-sponsored media and protecting their advisors from retaliation for refusing to censor their students is a matter of statewide concern.

The purpose of this Act is to establish the Hawaii Student Journalism Protection Act to:

- (1) Allow student journalists at public schools and the University of Hawaii to exercise freedom of speech and freedom of the press in school-sponsored media; and
- (2) Protect advisors from retaliation for refusing to infringe upon student press freedom.

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- Student journalists; school-sponsored media. (a) A student journalist shall be allowed to exercise freedom of speech and freedom of the press in school-sponsored media and shall not be disciplined for acting in accordance with this section. A student journalist shall be responsible for determining the news, opinion, feature, and advertising content of school-sponsored media.

(b) Nothing in this section shall be construed to prevent a student media advisor from teaching professional standards of English language use and

journalism to student journalists or determining grades and credit for those purposes.

(c) Nothing in this section shall be construed to authorize or protect student expression that:

- (1) Is libelous or slanderous;
- (2) Constitutes a clearly unwarranted invasion of personal privacy;
- (3) Violates state or federal law;
- (4) Is obscene; or
- (5) So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of lawful school or board policies, or the material and substantial disruption of the orderly operation of the school; provided that the determination of a risk of material and substantial disruption shall be based upon specific facts, including past experience at the school and current events influencing student behavior, and not on undifferentiated fear or apprehension of disturbance.

(d) There shall be no prior constraint of material prepared for school-sponsored media except as provided in subsection (c). School officials shall have the burden of showing justification without undue delay before a limitation of student expression under this section and shall establish a reasonable period of review for material prepared for school-sponsored media. If the period of review elapses without a decision, the material prepared for school-sponsored media shall be considered authorized.

(e) No publication or other expression of material by student journalists in the exercise of rights under this section shall be deemed to be an expression of the school, board, or department. No state agency, member of the board, officer of the department, or employee of any agency or the board shall be held responsible in any civil or criminal action for the publication or other expression of material by student journalists in the exercise of rights under this section or the First Amendment of the United States Constitution.

(f) A student media advisor shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

- (1) Acting to protect a student journalist engaged in conduct protected under this section or the First Amendment to the United States Constitution; or
- (2) Refusing to infringe on conduct that is protected by this section or the First Amendment to the United States Constitution.

(g) The board shall adopt a written policy for the exercise of the right of student journalists to freedom of speech and freedom of the press in school-sponsored media in accordance with this section; provided that the policy shall include:

- (1) Reasonable provisions for the time, place, and manner of distribution of student expression; and
- (2) A procedure for the timely appeal of decisions made pursuant to this section.

(h) For the purposes of this section:

“School-sponsored media” means any material:

- (1) Prepared, written, published, or broadcast in any media by a student journalist at a school;
- (2) Distributed or generally made available, either free of charge or for a fee, to members of the student body; and
- (3) Prepared under the direction of a student media advisor, regardless of whether the material is supported financially by the school or

by use of facilities of the school or produced in conjunction with a class for which the student is enrolled.

“School-sponsored media” does not include material intended for distribution or transmission for classroom purposes only.

“Student journalist” means a student who determines, gathers, compiles, writes, edits, photographs, records, or prepares information or advertising for inclusion in school-sponsored media.

“Student media advisor” means an individual employed, appointed, or designated by a school to supervise or provide instruction relating to school-sponsored media.”

SECTION 4. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§304A- Student journalists; university-sponsored media. (a) A student journalist shall be allowed to exercise freedom of speech and freedom of the press in university-sponsored media and shall not be disciplined for acting in accordance with this section. A student journalist shall be responsible for determining the news, opinion, feature, and advertising content of university-sponsored media.

(b) Nothing in this section shall be construed to prevent a student media advisor from teaching professional standards of English language use and journalism to student journalists or determining grades and credit for those purposes.

(c) Nothing in this section shall be construed to authorize or protect student expression that:

- (1) Is libelous or slanderous;
- (2) Constitutes a clearly unwarranted invasion of personal privacy;
- (3) Violates state or federal law;
- (4) Is obscene; or
- (5) So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of lawful university policies, or the material and substantial disruption of the orderly operation of the university; provided that the determination of a risk of material and substantial disruption shall be based upon specific facts, including past experience at the university and current events influencing student behavior, and not on undifferentiated fear or apprehension of disturbance.

(d) There shall be no prior constraint of material prepared for university-sponsored media except as provided in subsection (c). University officials shall have the burden of showing justification without undue delay before a limitation of student expression under this section and shall establish a reasonable period of review for material prepared for university-sponsored media. If the period of review elapses without a decision, the material prepared for university-sponsored media shall be considered authorized.

(e) No publication or other expression of material by student journalists in the exercise of rights under this section shall be deemed to be an expression of the university or the board of regents. No state agency, member of the board of regents, officer of the university, or employee of any agency or the board of regents shall be held responsible in any civil or criminal action for the publication or other expression of material by student journalists in the exercise of rights under this section or the First Amendment of the United States Constitution.

(f) A student media advisor shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

- (1) Acting to protect a student journalist engaged in conduct protected under this section or the First Amendment to the United States Constitution; or
- (2) Refusing to infringe on conduct that is protected by this section or the First Amendment to the United States Constitution.
- (g) The board of regents shall adopt a written policy for the exercise of the right of student journalists to freedom of speech and freedom of the press in university-sponsored media in accordance with this section; provided that the policy shall include:
 - (1) Reasonable provisions for the time, place, and manner of distribution of student expression; and
 - (2) A procedure for the timely appeal of decisions made pursuant to this section.
- (h) For the purposes of this section:

“Student journalist” means a student who determines, gathers, compiles, writes, edits, photographs, records, or prepares information or advertising for inclusion in university-sponsored media.

“Student media advisor” means an individual employed, appointed, or designated by the university to supervise or provide instruction relating to university-sponsored media.

“University-sponsored media” means any material:

 - (1) Prepared, written, published, or broadcast in any media by a student journalist in the university system;
 - (2) Distributed or generally made available, either free of charge or for a fee, to members of the student body; and
 - (3) Prepared under the direction of a student media advisor, regardless of whether the material is supported financially by the university or by use of facilities of the university or produced in conjunction with a class for which the student is enrolled.

“University-sponsored media” does not include material intended for distribution or transmission for classroom purposes only.”

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved May 23, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 25

S.B. NO. 2059

A Bill for an Act Relating to State Symbols.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the ‘ōhi‘a lehua (*Metrosideros polymorpha*) is a flowering evergreen tree that is an endemic plant species found only in the Hawaiian islands. The legislature recognizes the unique cultural, ecological, and economic importance of the ‘ōhi‘a lehua and its threatened existence. The legislature further finds that the ‘ōhi‘a lehua is one of the most referenced plants in Hawaiian mo‘olelo (stories), oli (chants), mele (songs), and hula

(dances). ‘Ōhi‘a lehua blossoms are iconic, symbolizing Pele’s fire, the blood of warfare, and the bounty of a generous chief. The beautiful and brilliant flowers make prized lei and are featured in art and clothing designs. The blossoms and foliage of the ‘ōhi‘a lehua were frequently used for medicinal purposes. Historically, the wood of ‘ōhi‘a was preferred for papa ku‘i ‘ai (poi boards) and was used to make tools and weapons. It is still regarded as a high-quality wood for construction and furniture.

The legislature further finds that ‘ōhi‘a lehua is a keystone species of Hawaii’s native forests. It is the most common native tree in the Hawaiian islands. ‘Ōhi‘a lehua is endemic to Hawaii’s six largest islands and grows in a variety of environments, from sea level to over eight thousand feet in elevation, and in diverse ecosystems from bogs to deserts. Its form ranges from short bushy shrubs to one-hundred-foot canopy trees. ‘Ōhi‘a lehua trees are very efficient at capturing water from the air and rainfall and allowing fresh water to slowly seep into the ground to recharge the aquifers and ecosystems from the mountains to the sea. ‘Ōhi‘a lehua forests are estimated to cover over eight hundred thousand acres statewide and are vital to protecting and conserving both Hawaii’s watersheds and native species.

Forests dominated by ‘ōhi‘a lehua are home to at least twenty-two extant species of forest birds, many of which rely on the abundant nectar of the lehua blossoms. Its nectar is the food for many indigenous species, such as the federally endangered ‘akohekohe (crested honeycreeper) and the ‘ōpe‘ape‘a (Hawaiian hoary bat), the State’s only native land animal. Many of Hawaii’s remaining native plants and invertebrates also make their home in ‘ōhi‘a lehua forests.

The legislature also finds that, while the ecological and cultural importance of the ‘ōhi‘a lehua is worthy of recognition and appreciation, the ‘ōhi‘a is under threat, including from diseases such as a fungal pathogen called rapid ‘ōhi‘a death. Rapid ‘ōhi‘a death has already killed over one million ‘ōhi‘a trees on the island of Hawaii. In recognition of the importance of protecting ‘ōhi‘a, new state and federal regulations have been adopted restricting the importation of close relatives of ‘ōhi‘a, plants in the myrtle family, to prevent new strains of ‘ōhi‘a diseases from entering Hawaii. Climate change, other invasive species, and other environmental pressures will no doubt pose additional threats to ‘ōhi‘a lehua in the future.

The purpose of this Act is to designate ‘ōhi‘a lehua as the state endemic tree to recognize its cultural and ecological importance and raise awareness of the critical threats the plant species is currently facing, with the hope that it will lead to effective conservation and growth of healthy ‘ōhi‘a forests across the Hawaiian islands.

SECTION 2. Chapter 5, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§5- State endemic tree. ‘Ōhi‘a lehua (*Metrosideros polymorpha*) is adopted, established, and designated as the official endemic tree of the State.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved May 24, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 26

S.B. NO. 172

A Bill for an Act Relating to Grants.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 42F-103, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In addition, a grant may be made to an organization only if the organization:

- (1) Is [~~incorporated~~] either:
 - (A) Incorporated under the laws of the State; ~~and~~ or
 - (B) Spends at least ninety per cent of its operating budget in the State; and
 - (C) Registered with the department of commerce and consumer affairs and in possession of a valid certificate of vendor compliance issued by the State that documents the organization’s compliance and good standing with the United States Internal Revenue Service, department of taxation, department of labor and industrial relations, and department of commerce and consumer affairs; and
- (2) Has bylaws or policies that describe the manner in which the activities or services for which a grant is awarded shall be conducted or provided.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 25, 2022.)

ACT 27

H.B. NO. 1768

A Bill for an Act Relating to the Disposition of Water Rights.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that native Hawaiians have been farming successfully on lands throughout the State for nearly two thousand years without creating adverse impacts to the land in which they operated. Traditional farming practices of native Hawaiians, and the native Hawaiian culture generally, play a vital role in preserving and advancing the quality of life and cultural vitality of Hawaii. Article XII, section 7, of the Hawaii State Constitution mandates that traditional and customary practices of native Hawaiians be protected.

The legislature additionally finds that it is the State’s responsibility as that of a trustee to act with the diligence and care of a fiduciary in ensuring that bona fide trust purposes, including the preservation and enhancement of the water for various uses in the public interest, are protected when deciding what constitutes maximum beneficial use. However, in carrying out this responsibility, the regulatory actions of the State may adversely hamper and impact the constitutionally protected rights of native Hawaiians. The State has an obligation to

ensure that traditional and customary practices of native Hawaiians continue to be protected.

The legislature further finds that appurtenant or kuleana rights to water for traditional and customary uses and domestic farming purposes must also be protected. These rights to water necessarily include the right to use water and the right of access to water, or the means of access and delivery of the water to be used.

Therefore, the purpose of this Act is to exempt the instream use of water for traditional and customary kalo cultivation practices from the existing process for disposition of water rights, and to clarify that traditional and customary and kuleana rights to water include rights of use, access, delivery, and quality of water, which shall be recognized and protected.

SECTION 2. Section 171-58, Hawaii Revised Statutes, is amended to read as follows:

“§171-58 Minerals and water rights. (a) Except as provided in this section, the right to any mineral or surface or ground water shall not be included in any lease, agreement, or sale, this right being reserved to the State; provided that the board may make provisions in the lease, agreement, or sale, for the payment of just compensation to the surface owner for improvements taken as a condition precedent to the exercise by the State of any reserved rights to enter, sever, and remove minerals or to capture, divert, or impound water.

(b) Disposition of mineral rights shall be in accordance with the laws relating to the disposition of mineral rights enacted or hereafter enacted by the legislature.

(c) Disposition of water rights may be made by lease at public auction as provided in this chapter or by permit for temporary use on a month-to-month basis under those conditions [~~which~~] that will best serve the interests of the State and subject to a maximum term of one year and other restrictions under the law; provided that any disposition by lease shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of disposition; provided further that after a certain land or water use has been authorized by the board subsequent to public hearings and conservation district use application and environmental impact statement approvals, water used in nonpolluting ways, for nonconsumptive purposes because it is returned to the same stream or other body of water from which it was drawn, essentially not affecting the volume and quality of water or biota in the stream or other body of water, may also be leased by the board with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution.

(d) Any lease of water rights shall contain a covenant on the part of the lessee that the lessee shall provide from waters leased from the State under the lease or from any water sources privately owned by the lessee to any farmer or rancher engaged in irrigated pasture operations, crop farming, pen feeding operations, or raising of grain and forage crops, or for those public uses and purposes as may be determined by the board, at the same rental price paid under the lease, plus the proportionate actual costs, as determined by the board, to make these waters available, so much of the waters as are determined by the board to be surplus to the lessee’s needs and for that minimum period as the board shall accordingly determine; provided that in lieu of payment for those waters as the State may take for public uses and purposes the board may elect to reduce the rental price under the lease of water rights in proportion to the value of the waters and the proportionate actual costs of making the waters available. Subject to the applicable provisions of section 171-37(3), the board, at any time

during the term of the lease of water rights, may withdraw from waters leased from the State and from sources privately owned by the lessee so much water as it may deem necessary to (1) preserve human life and (2) preserve animal life, in that order of priority; and that from waters leased from the State the board, at any time during the term of the lease of water rights, may also withdraw so much water as it may deem necessary to preserve crops; provided that payment for the waters shall be made in the same manner as provided in this section.

(e) Any new lease of water rights shall contain a covenant that requires the lessee and the department of land and natural resources to jointly develop and implement a watershed management plan. The board shall not approve any new lease of water rights without the foregoing covenant or a watershed management plan. The board shall prescribe the minimum content of a watershed management plan; provided that the watershed management plan shall require the prevention of the degradation of surface water and ground water quality to the extent that degradation can be avoided using reasonable management practices.

(f) Upon renewal, any lease of water rights shall contain a covenant that requires the lessee and the department of land and natural resources to jointly develop and implement a watershed management plan. The board shall not renew any lease of water rights without the foregoing covenant or a watershed management plan. The board shall prescribe the minimum content of a watershed management plan; provided that the watershed management plan shall require the prevention of the degradation of surface water and ground water quality to the extent that degradation can be avoided using reasonable management practices.

(g) The department of land and natural resources shall notify the department of Hawaiian home lands of its intent to execute any new lease, or to renew any existing lease of water rights. After consultation with affected beneficiaries, these departments shall jointly develop a reservation of water rights sufficient to support current and future homestead needs. Any lease of water rights or renewal shall be subject to the rights of the department of Hawaiian home lands as provided by section 221 of the Hawaiian Homes Commission Act.

(h) This section shall not apply to the disposition of water rights for the instream use of water for traditional and customary kalo cultivation practices.”

SECTION 3. Section 174C-5, Hawaii Revised Statutes, is amended to read as follows:

“§174C-5 General powers and duties. The general administration of the state water code shall rest with the commission on water resource management. In addition to its other powers and duties, the commission:

- (1) Shall carry out topographic surveys, research, and investigations into all aspects of water use and water quality;
- (2) Shall designate water management areas for regulation under this chapter where the commission, after the research and investigations mentioned in paragraph (1), shall consult with the appropriate county council and county water agency, and after public hearing and published notice, finds that the water resources of the areas are being threatened by existing or proposed withdrawals of water;
- (3) Shall establish an instream use protection program designed to protect, enhance, and reestablish, where practicable, beneficial instream uses of water in the State;
- (4) May contract and cooperate with the various agencies of the federal government and with state and local administrative and governmental agencies or private persons;

- (5) May enter, after obtaining the consent of the property owner, at all reasonable times upon any property other than dwelling places for the purposes of conducting investigations and studies or enforcing any of the provisions of this code, being liable, however, for actual damage done. If consent cannot be obtained, reasonable notice shall be given prior to entry;
- (6) Shall cooperate with federal agencies, other state agencies, county or other local governmental organizations, and all other public and private agencies created for the purpose of utilizing and conserving the waters of the State, and assist these organizations and agencies in coordinating the use of their facilities and participate in the exchange of ideas, knowledge, and data with these organizations and agencies. For this purpose the commission shall maintain an advisory staff of experts;
- (7) Shall prepare, publish, and issue printed pamphlets and bulletins as the commission deems necessary for the dissemination of information to the public concerning its activities;
- (8) May appoint and remove agents, including hearings officers and consultants, necessary to carry out the purposes of this chapter, who may be engaged by the commission without regard to the requirements of chapter 76 and section 78-1;
- (9) May hire employees in accordance with chapter 76;
- (10) May acquire, lease, and dispose of [sueh] real and personal property as may be necessary in the performance of its functions, including the acquisition of real property for the purpose of conserving and protecting water and water related resources as provided in section 174C-14;
- (11) Shall identify, by continuing study, those areas of the State where salt water intrusion is a threat to fresh water resources and report its findings to the appropriate county mayor and council and the public;
- (12) Shall provide coordination, cooperation, or approval necessary to the effectuation of any plan or project of the federal government in connection with or concerning the waters of the State. The commission shall approve or disapprove any federal plans or projects on behalf of the State. No other agency or department of the State shall assume the duties delegated to the commission under this paragraph; except that the department of health shall continue to exercise the powers vested in it with respect to water quality, and except that the department of business, economic development, and tourism shall continue to carry out its duties and responsibilities under chapter 205A;
- (13) Shall plan and coordinate programs for the development, conservation, protection, control, and regulation of water resources, based upon the best available information, and in cooperation with federal agencies, other state agencies, county or other local governmental organizations, and other public and private agencies created for the utilization and conservation of water;
- (14) Shall catalog and maintain an inventory of all water uses and water resources; and
- (15) Shall determine appurtenant water rights, including but not limited to the quantification of the amount of water and the specification of the water course or the means of access and delivery entitled to

by that right, which determination shall be valid for purposes of this chapter.”

SECTION 4. Section 174C-63, Hawaii Revised Statutes, is amended to read as follows:

“~~§174C-63~~ **Appurtenant rights.** Appurtenant rights are preserved. Nothing in this part shall be construed to deny the exercise of an appurtenant right ~~[by the holder thereof at any time.]~~, including access by the holder thereof to conduct activities necessary to assure the use, delivery, and quality of water including temperature and turbidity, that shall not be unreasonably withheld. A permit for water use based on an existing appurtenant right shall be issued upon application. ~~[Such]~~ The permit shall be subject to sections 174C-26 and 174C-27 and 174C-58 to 174C-62.”

SECTION 5. Section 174C-101, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The appurtenant water rights of kuleana and taro lands, along with those traditional and customary rights assured in this section, including access by the holder thereof to conduct activities necessary to assure the use, delivery, and quality of water including temperature and turbidity, that shall not be unreasonably withheld, shall not be diminished or extinguished by a failure to apply for or to receive a permit under this chapter.”

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved May 25, 2022.)

ACT 28

H.B. NO. 2112

A Bill for an Act Relating to Credit for Reinsurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that existing National Association of Insurance Commissioners accreditation standards require states to adopt the 2019 amendments to the National Association of Insurance Commissioners’ Credit for Reinsurance Model Law. The National Association of Insurance Commissioners adopted the 2019 revisions to make the Credit for Reinsurance Model Law consistent with bilateral agreements or “covered agreements” entered into by the United States with the European Union and the United Kingdom. Failure to establish a reinsurance modernization framework and collateral reforms, and to implement reinsurance collateral provisions of the covered agreements will subject states to federal preemption in this area.

The purpose of this Act is to adopt the 2019 revisions to the National Association of Insurance Commissioners’ Credit for Reinsurance Model Law to conform to the requirements of the bilateral agreements on insurance and

reinsurance between the United States and the European Union and between the United States and the United Kingdom, and ensure states' regulatory authority remains intact.

SECTION 2. Section 431:4A-101, Hawaii Revised Statutes, is amended to read as follows:

“§431:4A-101 Credit allowed a domestic ceding insurer. (a) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subsection (b), (c), (d), (e), ~~[(f)]~~, or (m). The commissioner may adopt by rules pursuant to section 431:4A-104(b) specific additional requirements relating to:

- (1) The valuation of assets or reserve credits;
- (2) The amount and forms of security supporting reinsurance arrangements described in section 431:4A-104(b); and
- (3) The circumstances pursuant to which credit will be reduced or eliminated.

Credit shall be allowed under subsection (b) or (c) only as respects cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subsection (c) or (d) only if the applicable requirements of subsection ~~[(g)]~~ (n) have been satisfied.

(b) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is licensed to transact insurance or reinsurance in this State, or is accredited by the commissioner as a reinsurer in this State. To be eligible for accreditation, a reinsurer shall:

- (1) File with the commissioner evidence of its submission to this State's jurisdiction;
- (2) Submit to this State's authority to examine its books and records;
- (3) Be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer, be entered through and licensed to transact insurance or reinsurance in at least one state;
- (4) File annually with the commissioner a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and
- (5) Demonstrate to the satisfaction of the commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than \$20,000,000 and its accreditation has not been denied by the commissioner within ninety days after submission of its application.

(c) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer is entered through, a state that employs standards regarding credit for reinsurance equal to or exceeding those applicable under this article and the assuming insurer or United States branch of an alien assuming insurer:

- (1) Maintains a surplus as regards policyholders in an amount not less than \$20,000,000; and

(2) Submits to the authority of this State to examine its books and records;
 provided that paragraph (1) does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(d) Credit shall be allowed as follows:

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in section 431:4A-103(b), for the payment of the valid claims of its United States ceding insurers, their assigns and successors in interest. To enable the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners' annual statement form by licensed insurers. The assuming insurer shall submit to examination of its books and records by the commissioner and bear the expense of examination;

(2) Credit for reinsurance shall not be granted under this subsection unless the form of the trust and any amendments to the trust have been approved by:

- (A) The commissioner of the state where the trust is domiciled; or
- (B) The commissioner of another state who, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust.

The form of the trust and any trust amendments shall also be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States.

The trust shall vest legal title to its assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner.

The trust shall remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust. No later than February 28 of each year, the trustee of the trust shall report to the commissioner in writing the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust will not expire prior to the following December 31;

(3) The following requirements shall apply to these categories of assuming insurers:

(A) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than \$20,000,000, except as provided in subparagraph (B);

(B) At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for

at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trustee surplus, but only after finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than thirty per cent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

- (C) In the case of a group including incorporated and individual unincorporated underwriters:
 - (i) For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, the trust shall consist of a trustee account in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group;
 - (ii) For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this article, the trust shall consist of a trustee account in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and
 - (iii) In addition to these trusts, the group shall maintain in trust a trustee surplus of which \$100,000,000 shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group for all years of account.

The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members.

Within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner an annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group;

- (D) In the case of a group of incorporated underwriters under common administration, the group shall:

- (i) Have continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation;
 - (ii) Maintain aggregate policyholders' surplus of at least \$10,000,000,000;
 - (iii) Maintain a trust fund in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group;
 - (iv) Maintain a joint trusted surplus of which \$100,000,000 shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group as additional security for these liabilities; and
 - (v) Within ninety days after its financial statements are due to be filed with the group's domiciliary regulator, make available to the commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by its independent public accountant.
- (e) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the commissioner as a reinsurer in this State and secures its obligations in accordance with the requirements of this subsection as follows:
- (1) To be eligible for certification, the assuming insurer shall:
 - (A) Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to paragraph (3);
 - (B) Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the rules adopted by the commissioner;
 - (C) Maintain financial strength ratings from two or more rating agencies deemed acceptable by the rules adopted by the commissioner;
 - (D) Agree to submit to the jurisdiction of this State, appoint the commissioner as its agent for service of process in this State, and agree to provide security for one hundred per cent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment;
 - (E) Agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and
 - (F) Satisfy any other requirements for certification deemed relevant by the commissioner;
 - (2) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. To be eligible for certification, in addition to satisfying the requirements of paragraph (1):
 - (A) The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatis-

- fied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;
- (B) The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and
 - (C) Within ninety days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association;
- (3) The commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in a qualified jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer. In addition:
- (A) To determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner;
 - (B) A list of qualified jurisdictions shall be published through the National Association of Insurance Commissioners committee process. The commissioner shall consider this list in determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification in accordance with criteria to be developed under rules adopted by the commissioner;
 - (C) United States jurisdictions that meet the requirement for accreditation under the National Association of Insurance Commissioners financial regulation standards and accreditation program shall be recognized as qualified jurisdictions; and
 - (D) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation;
- (4) The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable pursuant to

rules adopted by the commissioner. The commissioner shall publish a list of all certified reinsurers and their ratings;

- (5) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subsection at a level consistent with its rating, as specified in rules adopted by the commissioner. In addition:
- (A) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with section 431:4A-102, or in a multibeneficiary trust in accordance with subsection (d), except as otherwise provided in this subsection;
 - (B) If a certified reinsurer maintains a trust to fully secure its obligations subject to subsection (d), and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to subsection (d). It shall be a condition to the grant of certification under this subsection that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the commissioner with principal regulatory oversight of each such trust account, to fund, upon termination of ~~[any such]~~ the trust account, out of the remaining surplus of ~~[such]~~ the trust any deficiency of any other ~~[such]~~ trust account;
 - (C) The minimum trustee surplus requirements provided in subsection (d) shall not be applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this subsection, except that ~~[such]~~ the trust shall maintain a minimum trustee surplus of \$10,000,000;
 - (D) With respect to obligations incurred by a certified reinsurer under this subsection, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due; and
 - (E) For purposes of this subsection:
 - (i) A certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred per cent of its obligations;
 - (ii) "Terminated" means revoked, suspended, voluntarily surrendered, or placed on inactive status; and
 - (iii) If the commissioner continues to assign a higher rating as permitted by other provisions of this section, this requirement shall not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended;

- (6) If an applicant for certification has been certified as a reinsurer in a National Association of Insurance Commissioners accredited jurisdiction, the commissioner has the discretion to defer to that jurisdiction's certification, and has the discretion to defer to the rating assigned by that jurisdiction, and ~~such~~ the assuming insurer shall be considered to be a certified reinsurer in this State; and
- (7) A certified reinsurer that ceases to assume new business in this State may request to maintain its certification in inactive status to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.
- (f) Credit shall be allowed when the reinsurance is ceded to an assuming insurer meeting each of the following conditions:
 - (1) The assuming insurer shall have its head office or be domiciled in, as applicable, and be licensed in a reciprocal jurisdiction.
For purposes of this paragraph, "reciprocal jurisdiction" means a jurisdiction that meets one of the following:
 - (A) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or in the case of a covered agreement between the United States and European Union, is a member state of the European Union;
 - (B) A United States jurisdiction that meets the requirements for accreditation under the National Association of Insurance Commissioners financial standards and accreditation program; or
 - (C) A qualified jurisdiction, as determined by the commissioner pursuant to subsection (e)(3) that is not otherwise described in subparagraph (A) or (B) and meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in rules;
 - (2) The assuming insurer shall have and maintain on an ongoing basis minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in rules. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain on an ongoing basis minimum capital and surplus equivalents (net of liabilities), calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth in rules;
 - (3) The assuming insurer shall have and maintain on an ongoing basis a minimum solvency or capital ratio, as applicable, which shall be set forth in rules. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, it shall have and maintain on an ongoing basis of minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;
 - (4) The assuming insurer shall agree and provide adequate assurance to the commissioner, in a form specified by the commissioner pursuant to rules, as follows:

- (A) The assuming insurer shall provide prompt written notice and explanation to the commissioner if the assuming insurer falls below the minimum requirements set forth in paragraph (2) or (3), or if any regulatory action is taken against it for serious noncompliance with applicable law;
- (B) The assuming insurer shall consent in writing to the jurisdiction of the courts of this State and to the appointment of the commissioner as agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this subparagraph shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent the agreements are unenforceable under applicable insolvency or delinquency laws;
- (C) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;
- (D) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to one hundred per cent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and
- (E) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement that involves this State's ceding insurers, and shall agree to notify the ceding insurer and the commissioner and provide security in an amount equal to one hundred per cent of the assuming insurer's liabilities to the ceding insurer in the event the assuming insurer enters into a solvent scheme of arrangement. The security shall be in a form consistent with the provisions of subsection (e) and section 431:4A-102, and as specified by the commissioner in rules;
- (5) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, certain documentation to the commissioner, as specified in rules adopted by the commissioner;
- (6) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth in rules;
- (7) The assuming insurer's supervisory authority shall confirm to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements set forth in paragraphs (2) and (3); and
- (8) Nothing in this section shall preclude an assuming insurer from providing the commissioner with information on a voluntary basis.
- (g) The commissioner shall timely create and publish a list of reciprocal jurisdictions. A list of reciprocal jurisdictions is published through the National

Association of Insurance Commissioners committee process. The commissioner's list shall include any reciprocal jurisdiction as defined under subsection (f)(1)(A) and (B) and shall consider any other reciprocal jurisdiction included on the National Association of Insurance Commissioners list. The commissioner may approve a jurisdiction that does not appear on the National Association of Insurance Commissioners' list of reciprocal jurisdictions in accordance with criteria to be developed under rules adopted by the commissioner. The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction in accordance with a process set forth in rules adopted by the commissioner, except that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subsection (f)(1)(A) and (B). Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed if otherwise permitted pursuant to this article.

(h) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in subsection (f) and to which cessions shall be granted credit in accordance with subsection (f). The commissioner may add an assuming insurer to the list if a National Association of Insurance Commissioners accredited jurisdiction has added the assuming insurer to its list of assuming insurers or if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subsection (f)(4) and complies with any additional requirements that the commissioner may impose by rule, except to the extent that they conflict with an applicable covered agreement.

(i) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this section, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this section in accordance with procedures set forth in rules.

While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension shall qualify for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with section 431:4A-102.

If an assuming insurer's eligibility is revoked, no credit for reinsurance shall be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into before the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of section 431:4A-102.

(j) If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(k) Nothing in this section shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by this article or other applicable law or rule.

(l) Credit may be taken under this section only for reinsurance agreements entered into, amended, or renewed on or after the effective date of this Act, and only with respect to losses incurred and reserves reported on or after the later of:

- (1) The date on which the assuming insurer has met all eligibility requirements pursuant to subsection (f); and
- (2) The effective date of the new reinsurance agreement amendment or renewal.

This subsection shall not be construed to alter or impair a ceding insurer's right to take credit for reinsurance to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of this article.

Nothing in this section shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

Nothing in this subsection shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement.

~~[(f)]~~ (m) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subsection (b), (c), (d), ~~[(e)]~~ (e), or (f) but only with respect to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

~~[(g)]~~ (n) If the assuming insurer is not licensed, accredited, or certified to transact insurance or reinsurance in this State, the credit permitted by subsections (c) and (d) shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

- (1) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, shall comply with all requirements necessary to give the court jurisdiction, and shall abide by the final decision of that court or of any appellate court in the event of an appeal; and
- (2) To designate the commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

This subsection is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

~~[(h)]~~ (o) If the assuming insurer does not meet the requirements of subsection (b) ~~[(e)]~~, (c), (d), (e), or (f), the credit permitted by subsection (d) or (e) shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

- (1) Notwithstanding any other provisions in the trust instrument to the contrary, if the trust fund is inadequate because it contains an amount less than the amount required by subsection (d)(3), or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of any court of competent jurisdiction in any state of the United States directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust fund;
- (2) The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

- (3) If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and
- (4) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this subsection.

[(+)] (p) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification. In addition:

- (1) The commissioner shall give the reinsurer notice and opportunity for hearing. The suspension or revocation may not take effect until after the commissioner's order after a hearing, unless:
 - (A) The reinsurer waives its right to a hearing;
 - (B) The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subsection (e)(6); or
 - (C) The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.
- (2) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with section 431:4A-102. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (e)(5) or section 431:4A-102.

[(+)] (q) A ceding insurer shall take steps to:

- (1) Manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the commissioner within thirty days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceed fifty per cent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, are likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer; and
- (2) Diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within thirty days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty per cent of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(r) For purposes of this section, “covered agreement” means an agreement entered into pursuant to Dodd-Frank Wall Street Reform and Consumer Protection Act (title 31 United States Code sections 313 and 314) that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this State or for allowing the ceding insurer to recognize credit for reinsurance.”

SECTION 3. Section 431:4A-102, Hawaii Revised Statutes, is amended to read as follows:

“§431:4A-102 Asset or reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer. (a) An asset or reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 431:4A-101 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. The commissioner may adopt by rules pursuant to section 431:4A-104(b) specific additional requirements relating to:

- (1) The valuation of assets or reserve credits;
- (2) The amount and forms of security supporting reinsurance arrangements described in section 431:4A-104(b); and
- (3) The circumstances pursuant to which credit will be reduced or eliminated.

(b) The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if that security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution as defined in section 431:4A-103(b). This security may be in the form of:

- (1) Cash;
- (2) Securities listed by the securities valuation office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the securities valuation office, and qualifying as admitted assets;
- (3) Clean, irrevocable, and unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in section 431:4A-103, effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement;
- (4) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution’s subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or
- (5) Any other form of security acceptable to the commissioner.”

SECTION 4. Section 431:4A-104, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~431:4A-104 Rules. (a) The commissioner may adopt rules ~~[under]~~ pursuant to chapter 91 implementing this article.

(b) The commissioner may adopt rules applicable to reinsurance arrangements as follows:

- (1) A rule adopted pursuant to this section shall apply only to reinsurance relating to:
 - (A) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;
 - (B) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;
 - (C) Variable annuities with guaranteed death or living benefits;
 - (D) Long-term care insurance policies; or
 - (E) Other life and health insurance and annuity products as to which the National Association of Insurance Commissioners adopts model regulatory requirements with respect to credit for reinsurance;
- (2) A rule adopted pursuant to paragraph (1)(A) or (B) shall apply to any treaty containing:
 - (A) Policies issued on or after January 1, 2015; and
 - (B) Policies issued before January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015;
- (3) A rule adopted pursuant to this section shall require the ceding insurer, in calculating the amounts or forms of security required to be held under rules, to use the valuation manual adopted by the National Association of Insurance Commissioners under section 11B(1) of the National Association of Insurance Commissioners Standard Valuation Law, including all amendments adopted by the National Association of Insurance Commissioners and in effect on the date as of which the calculation is made, to the extent applicable;
- (4) A rule adopted pursuant to this section shall not apply to a cession to an assuming insurer that:
 - (A) Meets the conditions set forth in section 431:4A-101(f);
 - (B) Is certified in this State; or
 - (C) Maintains at least \$250,000,000 in capital and surplus when determined in accordance with the National Association of Insurance Commissioners Accounting Practices and Procedures Manual, including all amendments thereto adopted by the National Association of Insurance Commissioners, excluding the impact of any permitted or prescribed practices; and is:
 - (i) Licensed in at least twenty-six states; or
 - (ii) Licensed in at least ten states, and licensed or accredited in a total of at least thirty-five states.
- (5) The authority to adopt rules pursuant to this section shall not limit the commissioner's general authority to adopt rules pursuant to section 431:4A-104(a)."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 27, 2022.)

ACT 29

S.B. NO. 3124

A Bill for an Act Making an Emergency Appropriation to the Department of Health for Costs Resulting from the Release of Petroleum from the Red Hill Bulk Fuel Storage Facility.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

SECTION 2. The purpose of this Act is to make an emergency appropriation to provide funds for the department of health for costs related to emergency response for threats to public health and enforcement activities resulting from release of petroleum from the Red Hill Bulk Fuel Storage Facility. The department of health hazard evaluation and emergency response office opened Navy Water System Incident Case No. 20211128-1848 on November 28, 2021, when the department of health was notified that petroleum product was observed in drinking water by users of the Navy's Joint Base Pearl Harbor-Hickam public water system (PWS 360) and consecutive Army Aliamanu Military Reservation public water system (PWS 337) on Oahu.

The department of health will pursue cost recovery from the United States Navy, but funds are needed in advance of any cost recovery to pay for expenses incurred, including:

- (1) Additional staff to enable thorough sampling and confirmation collection according to State and federal drinking water regulations and procedures;
- (2) Laboratory testing;
- (3) Retention of additional subject matter experts to supplement department staff;
- (4) Additional staff for data management;
- (5) Maintenance and repair for laboratory instruments used for testing of drinking water samples;
- (6) Crisis communications assistance; and
- (7) Overtime costs for the many state employees needed to work on the emergency response.

Response activities needed since the initial report of contaminated water in areas surrounding the Red Hill Bulk Fuel Storage Facility in late November 2021, have included coordination, planning, operations, logistics, and finance tasks that involve collecting, testing, and analyzing water samples; media relations and public messaging; responding to public inquiries and complaints; data management; geographic information systems mapping; procurement; cost accounting; and coordination with government entities, including the United States Navy, Hawaii emergency management agency, United States Environmental Protection Agency, United States Centers for Disease Prevention and Control, Hawaii's congressional delegation, department of education, department of human services, department of land and natural resources, and others.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000, or so much thereof as may be necessary for fiscal year 2021-2022 to carry out the purpose of this Act, including response and enforcement activities of the department of health relating to petroleum leaks at the Red Hill Bulk Fuel Storage Facility.

The sum appropriated shall be expended by the department of health for purposes of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 27, 2022.)

A Bill for an Act Relating to Firearms.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the public safety of its residents is of paramount concern. Indeed, the responsibility to “provide for the safety of the people from crimes against persons and property” is specified in the State Constitution. Addressing gun violence is a key part of this responsibility and consequently the State has enacted comprehensive and robust gun protection laws.

The legislature further finds that Hawai‘i’s laws have led to Hawai‘i being a national leader in low rates of gun violence incidents. Whereas nationwide there are annually more than thirty thousand deaths related to gun violence, in Hawai‘i there are less than fifty gun violence deaths per year at a rate of less than five gun deaths per every one hundred thousand people. Hawai‘i cumulatively ranks number one as the state with the lowest number of deaths and the lowest rate of deaths due to gun violence. According to the Centers for Disease Control and Prevention annual statistics, Hawai‘i had the lowest number of deaths and lowest death rate attributed to gun violence in 2020. In 2019, Hawai‘i had the second lowest number of deaths and the fourth lowest death rate. In 2018, it had the second lowest deaths and third lowest death rate; in 2017, the lowest deaths and lowest death rate; in 2016, the second lowest deaths and fourth lowest death rate; in 2015, the second lowest deaths and second lowest death rate; and in 2014, the second lowest deaths and lowest death rate.

The legislature recognizes that the ruling by the United States District Court for the District of Hawai‘i in *Yukutake v. Connors*, 554 F.Supp.3d 1074 (D. Haw. 2021), invalidated the State’s ten-day expiration period for a permit to acquire a pistol or revolver and the requirement that all firearms be physically inspected at the time of registration. While the State’s appeal is pending, the law related to the ten-day permit expiration period continues to be in effect as the court stayed its holding, whereas the physical inspection requirement was not stayed and thus its enforcement is suspended.

The legislature finds that the laws discussed in *Yukutake* furthered the important government interest of public safety and in a manner that is substantially related to that interest. The legislature supports efforts to appeal the decision to the Ninth Circuit Court of Appeals. In the meantime, the legislature cannot allow for all firearms to be registered without inspection. Even if the *Yukutake* ruling is upheld, Hawai‘i’s important interest in protecting public safety justifies the physical inspection of certain narrow categories of firearms at the time of registration. This interest is also based on the extensive knowledge and experience of the Hawai‘i law enforcement community and legislature regarding registration requirements, including serial numbers, from the time these requirements were originally adopted in Hawai‘i in the early twentieth century, e.g., via Act 85, Session Laws of the Territory of Hawaii 1907.

The legislature also finds that around the time of the Second Amendment’s ratification in 1791, and in the decades preceding, laws requiring inspection of personal weapons existed at the federal level and throughout the original states. These laws were part of militia requirements, which mandated that individuals subject to militia duty — typically white men in a specified age range — must acquire their own arms and ammunition. The laws described the weapons required and provided for regular inspection by militia officers. *Yukutake*, 554 F.Supp.3d at 1087. The historical tradition of requiring in-person inspection of

firearms provides a robust historical basis for Hawai'i's law. Just as militia officers would inspect (and frequently record) members' personal weapons to ensure that they comported with militia weaponry requirements, Hawai'i's law requires police officers to inspect and register guns in person to verify that they comport with the information provided in the registration form. In fact, by mandating regular and repeated in-person firearm inspections, these historical laws imposed a much greater burden on militia-eligible gun owners than would such a comparatively modest one-time check. *Id.* at 1087.

The legislature finds moreover that a central function of Hawai'i's law and the historical laws is the same: to ensure that the firearm an individual possesses matches the applicable specifications of, in Hawai'i's situation, the registration requirements, and in the historical cases of the militia laws. Requiring people to bring the firearm to be registered for physical inspection ensures that the registration information is accurate, ensures that the firearm complies with Hawai'i law, and confirms the identity of the firearm so as to facilitate tracing by law enforcement. The physical inspection requirement has existed in Hawai'i law and practice for many years. Section 134-3, Hawaii Revised Statutes, specifically exempts firearms dealers from being "required to have the firearms physically inspected by the chief of police at the time of registration", and non-dealer registrants are not exempted. It was understood that non-dealer registrants needed to bring their firearms for physical inspection at time of registration. *Yukutake*, however, focused on new language added to the statute by Act 74, Session Laws of Hawaii 2020, that went into effect on September 15, 2020, that explicitly codified the requirement that "[a]ll other firearms and firearm receivers registered" be physically inspected at the time of registration.

In this Act, the legislature is requiring physical inspection of certain firearms over a three-year period while the *Yukutake* appeal proceeds. The temporary inspection requirements are narrowly tailored and limited to specific situations that necessitate inspection: firearms that were not manufactured with serial numbers, or "ghost guns"; firearms transported into the State from another jurisdiction; and firearms obtained in private sales and transfers. The legislature further finds that an in-person inspection when registering a firearm serves an additional significant, substantial, and important government interest by minimizing the risk of prosecution to firearms owners who are not aware of the illegality of their firearms.

Regarding the first category to be inspected under this Act, firearms and firearm receivers that are assembled without serial numbers or other identification markings, these weapons circumvent the State's otherwise strict firearm permitting and registration laws and pose a danger to public safety inasmuch as they are untraceable by law enforcement. The lack of identification on the firearms and firearm receivers led to the label "ghost guns". Ghost guns are the fastest-growing gun safety problem facing our country and becoming a weapon of choice for violent criminals, gun traffickers, and other legally prohibited persons. In 2020, Hawai'i enacted Act 74 that requires the permanent engraving or embedding of a registration number on the firearm receiver by the person registering the firearm, to ensure public safety. The legislature finds that it is necessary for police departments to inspect the engraving or embedding, even when done by a licensed dealer, to ensure that it is done legibly, permanently, and accurately. Due to human error, it is not enough to simply assume that the registration number is properly engraved or embedded and also properly recorded in registration records, and it is the experience of Hawai'i firearm officials that mistakes can and have been made in the recording of serial numbers. Thus, a physical inspection of the firearm is necessary to address that risk.

The second category to be inspected under this Act, firearms brought into the State from other jurisdictions, will safeguard against persons possessing firearms that are illegal under Hawai'i law. The legislature finds that firearms laws in other states are often very different from the firearms laws in Hawai'i and there is an important public safety interest in discovering illegal firearms brought into Hawai'i, as well as an important government interest in doing so in a manner that minimizes unnecessary prosecution of those who unknowingly do so. For example, pursuant to sections 134-8 and 134-8.5, Hawaii Revised Statutes, assault pistols, automatic firearms, rifles and shotguns with certain barrel lengths, certain large capacity magazines, and bump fire stocks, among other things, are not allowed in Hawai'i. A person who is not a licensed dealer may not be aware that the features, modifications, or accessories of their firearms are illegal in Hawai'i and may attempt to bring these firearms into the State.

Similarly, for the third category that will be required to submit to inspection under this Act, firearms transferred or obtained in private sales, people participating in private sales or transfers of firearms may not be aware that the firearms are illegal. Unlike licensed firearm dealers who are required to keep detailed, audited records and are familiar with Hawai'i's firearm laws, private sellers can be unfamiliar with the technical details of the firearms and with the requirements of Hawai'i law. They may not know which features, modifications, or accessories are illegal under Hawai'i law.

Therefore, the legislature finds that an in-person inspection at the time of registration is supported by the significant, substantial, and important government interest in protecting public safety. The legislature further finds that the requirement reasonably fits that objective, and is in fact narrowly tailored, because it is limited to certain specific situations that have an exceptional need for inspection, e.g., ghost guns, firearms coming from out of state, and firearms in private sales and transfers. The legislature further finds that in-person inspection at registration serves an additional significant, substantial, and important government interest in minimizing the risk that gun owners who are not aware of the illegality of their firearms will be prosecuted.

The purpose of this Act is to enact a three-year physical inspection requirement at the time of registration for firearms that were not manufactured with serial numbers, or ghost guns, firearms transported into the State from another jurisdiction, and firearms obtained in private sales and transfers.

SECTION 2. Section 134-3, Hawaii Revised Statutes, is amended by amending subsections (a) to (c) to read as follows:

“(a) Every resident or other person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register and submit to physical inspection the firearm within five days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither a place of business nor residence, the person's place of sojourn. A nonresident alien may bring firearms not otherwise prohibited by law into the State for a continuous period not to exceed ninety days; provided that the person meets the registration requirement of this section and the person possesses:

- (1) A valid Hawaii hunting license procured under chapter 183D, part II, or a commercial or private shooting preserve permit issued pursuant to section 183D-34;
- (2) A written document indicating the person has been invited to the State to shoot on private land; or

(3) Written notification from a firing range or target shooting business indicating that the person will actually engage in target shooting. The nonresident alien shall be limited to a nontransferable registration of ~~not~~ no more than ten firearms for the purpose of the above activities.

Every person registering a firearm under this subsection shall be fingerprinted and photographed by the police department of the county of registration; provided that this requirement shall be waived where fingerprints and photographs are already on file with the police department. The police department shall perform an inquiry on the person by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to register a firearm is made. Any person attempting to register a firearm, a firearm receiver, or the parts used to assemble a firearm, and who is found to be disqualified from ownership, possession, or control of firearms or ammunition under section 134-7, shall surrender or dispose of all firearms and ammunition pursuant to section 134-7.3.

(b) Every person who acquires a firearm pursuant to section 134-2 shall register the firearm in the manner prescribed by this section within five days of acquisition. If the firearm is acquired from a person who is not a dealer licensed under section 134-31 or a dealer licensed by the United States Department of Justice, the firearm shall be physically inspected by the chief of police of the appropriate county or designee at the time of registration. The registration of all firearms shall be on forms prescribed by the attorney general, which shall be uniform throughout the State, and shall include the following information: name of the manufacturer and importer; model; type of action; caliber or gauge; serial number; and source from which receipt was obtained, including the name and address of the prior registrant. If the firearm has been assembled from separate parts and an unfinished firearm receiver, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase “assembled from parts” shall be recorded in the space provided for model. If the firearm has been assembled from parts created using a three-dimensional printer, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase “3-D printer” shall be recorded in the space provided for model. If the firearm has no serial number, the registration number shall be entered in the space provided for the serial number, and the registration number shall be engraved upon the receiver portion of the firearm before registration. On firearms assembled from parts created using a three-dimensional printer, the ~~serial~~ registration number shall be engraved on stainless steel ~~and~~, permanently embedded to the firearm receiver during fabrication or construction~~[-]~~, and visible when the firearm is assembled. Firearms and firearm receivers with engraved or embedded registration numbers, even if done by a dealer licensed under section 134-31 or a dealer licensed by the United States Department of Justice, shall be physically inspected by the chief of police of the appropriate county or designee at the time of registration. All registration data that would identify the individual registering the firearm by name or address shall be confidential and shall not be disclosed to anyone, except as may be required:

- (1) For processing the registration;
- (2) For database management by the Hawaii criminal justice data center;
- (3) By a law enforcement agency for the lawful performance of its duties; or
- (4) By order of a court.

(c) Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be required to have the firearms physically inspected by the chief of police at the time of registration~~[-], except as provided in subsection (b).~~ An authorized dealer, as provided in section 134-31, or a dealer licensed by the United States Department of Justice, who brings, assembles, or causes to be brought into the State by any other means, separate parts and an unfinished firearm receiver that when assembled create a firearm, or parts created by a three-dimensional printer that when assembled create a firearm, shall register the unfinished firearm receiver and receive a serial number before the assembly of the firearm or the sale or transfer of unassembled firearm parts or a receiver to a third party in accordance with subsection (b). Any sale or transfer of unfinished firearm receivers by an authorized dealer to a third party shall be conducted as if they were fully assembled firearms with a serial number engraved on the firearm receiver and in accordance with the firearms permitting process in section 134-2. ~~[All other firearms and firearm receivers registered under this section shall be physically inspected by the respective county chief of police or the chief's representative at the time of registration.]~~"

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that on June 30, 2025, section 2 of this Act shall be repealed and section 134-3, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

(Approved June 3, 2022.)

ACT 31

S.B. NO. 3330

A Bill for an Act Relating to the Pupukea Marine Life Conservation District.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that prior to the coronavirus disease 2019 (COVID-19) pandemic, tourism levels in Hawaii had increased to more than ten million visitors per year, causing an unprecedented number of visitors to the Pupukea marine life conservation district on Oahu's North Shore. Recent projections indicate that post-pandemic visitor levels are likely to return to, or even exceed, these pre-pandemic levels.

The legislature also finds that Hawaii tourism authority surveys indicate that half of all visitors to Oahu visit the North Shore. Further, the protected beaches and bays of the Pupukea marine life conservation district are very popular recreational areas on the North Shore for snorkeling, swimming, and diving. Two of the most visited locations on the North Shore for snorkeling are Shark's Cove and the adjacent Kapoo Tidepools, a rich nursery for over fifty species of marine life that replenish the entire Pupukea marine life conservation district

and adjacent areas. The legislature acknowledges that unabated levels of human use in certain areas of the Pupukea marine life conservation district, including Shark's Cove and the Kapoo Tidepools, are threatening the health and abundance of the marine life in these sensitive areas, as well as limiting the use and enjoyment of the area by residents.

During the winter season, portions of the Pupukea marine life conservation district are protected by dangerous high surf conditions. However, the shallow Kapoo Tidepools are surrounded by a rock wall, are almost always accessible from the shore, and attract numerous recreational users. During closures of other marine areas due to high surf or restrictions on access to these areas, the three-acre Kapoo Tidepools may attract thousands of visitors each day. At any given time throughout the day, regardless of the day of the week, up to one hundred visitors walk, swim, or snorkel in the Kapoo Tidepools without any rest or kapu period. The legislature notes that during the COVID-19 pandemic, high levels of usage of the Kapoo Tidepools and Shark's Cove have continued virtually unabated and these locations continue to be crowded almost every day.

The legislature believes that allowing unlimited human access to sensitive marine areas like the Kapoo Tidepools and Shark's Cove is contrary to Native Hawaiian cultural traditions of adaptive management, including kapu, or closures, to ensure abundance in perpetuity.

Established in 1983 and expanded in 2003, the Pupukea marine life conservation district is one of only three state-designated marine life conservation districts on the island of Oahu; the other two marine life conservation districts are Hanauma Bay and Waikiki. Like Hanauma Bay, Pupukea is a one hundred-acre marine reserve that is supposed to receive the highest level of protection for its marine and recreational resources.

Based on carrying capacity studies conducted by the Hawaii institute of marine biology in 2018-2019 and 2019-2020, a number of measures were adopted to restrict human access to Hanauma Bay to protect marine life. Hanauma Bay is now effectively managed by the city and county of Honolulu using a twice weekly closure requirement, a reservation system, differential parking fees for residents and non-residents, a \$25 entry fee for non-residents more than thirteen years of age, mandatory education for visitors, a ban on commercial operations, and closure of the bay after 4:00 pm.

According to the city and county of Honolulu, Hanauma Bay nature preserve, "one of the most spectacular natural resources in Hawaii, is reaping the benefits of over a decade of moves to re-establish its pristine marine ecosystem. Recognizing the damage done by years of neglect and abuse by allowing some three million visitors annually, the city and county of Honolulu in 1990 laid out a plan to restore Hanauma Bay to a clean, healthy state by reducing the number of visitors, establishing an education program, and instituting supportive restrictions".

Unlike Hanauma Bay, there are no plans to restrict access to the Pupukea marine life conservation district and the associated Waimea and Pupukea beach parks or protect these areas from human access. The sensitive Kapoo Tidepools and Shark's Cove areas of the Pupukea marine life conservation district have unlimited public access from multiple locations along the shoreline and adjacent beach parks, every day of the week, all year long. Although there are rules restricting the taking of marine life from the Pupukea marine life conservation district, there are no rules restricting the number of visitors to the area other than nighttime closures of parking spaces and comfort stations in the adjacent beach parks.

The results of unlimited human access to the sensitive areas of the Pupukea marine life conservation district appear to include the trampling of ma-

rine life, damage to the marine habitat, damage to coral, the spooking of fish, interference with marine life cycles, increased harassment and touching of marine life, increased poaching, turbidity from stirred up sediment, pollution from sunscreen, water degradation from human waste, erosion from foot pathways, disrespect for natural geographic features, and disregard for cultural norms.

The legislature recognizes that various nonprofit organizations, in collaboration with the department of land and natural resources, have spent nearly two decades developing a range of educational, scientific, and cultural programs. The legislature also recognizes that a collaborative management plan process by the department of land and natural resources and the neighboring community is now underway. Nevertheless, the legislature notes that a study of carrying capacity of areas in the Pupukea marine life conservation district has never been conducted.

The legislature further believes that, as tourism has not yet reached pre-pandemic levels, now is the ideal time to proactively study the vulnerability of certain areas of the Pupukea marine life conservation district to high levels of human use and determine appropriate measures to reduce those impacts for the long term.

Accordingly, the purpose of this Act is to establish a three-year pilot program to assess the carrying capacity of certain areas in the Pupukea marine life conservation district in light of threats to marine life from human use; monitor, document, and assess the effectiveness of mandatory and voluntary kapu, or closures, of high-traffic areas in the Pupukea marine life conservation district and other restrictions on access to these areas, including the imposition of fees; and propose long-term management options to reduce the impact of humans on the health and abundance of marine life in the sensitive areas of the Pupukea marine life conservation district.

SECTION 2. (a) The department of land and natural resources shall establish and conduct the Pupukea marine life conservation district carrying capacity pilot program to:

- (1) Assess the carrying capacity of certain areas in the Pupukea marine life conservation district;
- (2) Monitor, document, and assess the effectiveness of:
 - (A) Mandatory kapu, or closures, of high-traffic areas in the Pupukea marine life conservation district;
 - (B) Voluntary kapu, or closures, of high-traffic areas in the Pupukea marine life conservation district; and
 - (C) Other restrictions on access to high-traffic areas in the Pupukea marine life conservation district, including the imposition of fees; and
- (3) Propose long-term management options to reduce the impact of humans on the health and abundance of marine life in the sensitive areas of the Pupukea marine life conservation district.

(b) In establishing and conducting the Pupukea marine life conservation district carrying capacity pilot program, the department of land and natural resources shall consult with the city and county of Honolulu; University of Hawaii, including the Hawaii institute of marine biology; and nonprofit community organizations in the ahupuaa of Pupukea and Waimea.

(c) The Pupukea marine life conservation district carrying capacity pilot program shall cease to exist on July 1, 2025.

(d) The department of land and natural resources shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than January 1, 2026.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of land and natural resources to establish and conduct the Pupukeya marine life conservation district carrying capacity pilot program pursuant to this Act.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 8, 2022.)

ACT 32

S.B. NO. 204

A Bill for an Act Relating to Aquatic Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that in-lieu fee mitigation is an effective mechanism for the restoration, creation, enhancement, and preservation of aquatic habitats or resources to recover the ecological functions, services, and values of aquatic resources lost by adverse impacts to other similar aquatic habitats. In-lieu fee mitigation is widely used across the United States to achieve ecologically valuable conservation.

The purpose of this Act is to authorize the department of land and natural resources to use aquatic in-lieu fee mitigation to restore, create, enhance, or preserve aquatic habitats or resources where a person is required to provide compensatory mitigation either:

- (1) Prospectively, and the use of in-lieu fee mitigation is approved by the agency requiring mitigation; or
- (2) For past damages to aquatic habitats or resources.

SECTION 2. Chapter 187A, part IV, Hawaii Revised Statutes, is amended by amending its title to read as follows:

“PART IV. AQUATIC MITIGATION [BANKS] BANKING AND AQUATIC IN-LIEU FEE MITIGATION”

SECTION 3. Section 187A-41, Hawaii Revised Statutes, is amended to read as follows:

“§187A-41 Aquatic mitigation banking~~[-]~~ and aquatic in-lieu fee mitigation. The department ~~[is authorized to]~~ may establish and operate aquatic mitigation banks~~[-]~~ and aquatic in-lieu fee mitigation programs for the purpose of ~~[which shall be to restore, create, enhance, or preserve]~~ restoring, creating, enhancing, preserving, or any combination thereof, aquatic habitats or resources ~~[as compensatory mitigation]~~ where a person is required to provide compensatory mitigation ~~[prospectively and]~~ either for:

- (1) Prospective damages to aquatic habitats or resources where the use of [banked] aquatic mitigation banking or aquatic in-lieu fee mitigation is approved by the agency requiring mitigation[-]; or [for past]
- (2) Past damages to aquatic habitats or resources.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 8, 2022.)

ACT 33

S.B. NO. 2768

A Bill for an Act Relating to the Hawaii Youth Conservation Corps.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii went from having one of the lowest unemployment rates of any state in the United States to one of the highest, leaving many skilled and promising young people out of work. Given the impact that prolonged youth unemployment can have on the lifetime earnings and well-being of individuals, the limited work opportunities for youth and young adults require action on the part of the State.

The legislature further finds that the Civilian Conservation Corps was a work relief program created in 1933 to employ Americans during the Great Depression through conservation projects of local, state, and national benefit, providing opportunities for displaced young adults. The State of Hawaii established the Hawaii youth conservation corps, which provided young people with opportunities in conservation on a much smaller scale. This program currently operates within the policies set out under chapter 193, Hawaii Revised Statutes. Nationally and in Hawaii, the legacy of the Civilian Conservation Corps continues through local and state service and conservation corps, especially those accredited under the national corps network.

The legislature also finds that during the regular session of 2020, the legislature passed Act 9, Session Laws of Hawaii 2020 (Act 9), which used funds designated for the State by the federal Coronavirus Aid, Relief, and Economic Security Act to establish a workforce and training program that, among other accomplishments, funded a short-term green jobs program in partnership with the nonprofit Kupu. Under the Kupu Aina Corps, over three hundred fifty displaced workers and recent graduates were matched with work and training opportunities across the State. Kupu’s partnership with conservation and agricultural host sites enabled individuals to work in their own communities while also giving back to Hawaii’s economy and environment.

The legislature additionally finds that more must be done in order to support the diversification of Hawaii’s economy, but that the program established under part XV of Act 9 is no longer active.

The purpose of this Act is to enable the same benefits of the workforce program under Act 9 in terms of economic diversification and stimulus, but with a greater focus on young adults, and placing it within an existing, permanent program established in law under the administration of the agency most familiar with conservation and oversight of a conservation corps. While retaining the State’s existing authority to administer the existing program, this Act also provides the authority to administer a green jobs youth corps in partnership with a qualified community organization.

SECTION 2. Section 193-32, Hawaii Revised Statutes, is amended to read as follows:

“~~§193-32~~¹ **Administration.** To carry out the program authorized by this part, the governor may:

- (1) Enter into an agreement or agreements, or designate the department of land and natural resources, or any other state department or de-

- partments as the state agency or agencies to enter into an agreement or agreements, with the proper authorities of the United States;
- (2) Designate the department of land and natural resources, or any state department or departments to design programs to provide healthful outdoor training and employment for young persons and to advance the conservation, development, and management of natural resources and recreational areas, in accordance with the applicable federal law; provided that the designated department or departments may also adopt appropriate rules under chapter 91 to carry out the programs so designed;
- ~~[(3) Designate the department of land and natural resources to administer or enter into an agreement or agreements for the administration of a green job youth corps program that provides temporary work and training opportunities in one or more of the following fields: natural resource management, agriculture, conservation, renewable energy, or other sustainability professions. The program shall prioritize work and training opportunities for young adults who are between twenty years of age and forty years of age and economic diversification; provided that the department of land and natural resources shall partner with organizations that have experience providing similar programming in the State; and~~
- (4) (3) Defray one-half of all costs incurred with respect to the programs or any other proportion of the costs of the programs, which may be required by the applicable laws of the United States, out of any moneys appropriated to the department or departments designated to participate in the programs, without regard to the original purpose of the appropriations[-]; and
- (4) Designate the department of land and natural resources to administer or enter into an agreement for the administration of a green jobs youth corps to provide temporary work and training opportunities in one or more of the following fields:
- (A) Natural resource management;
- (B) Agriculture; or
- (C) Other sustainability-related professions;
- provided that these opportunities shall be available to young adults who are thirty-eight years of age or younger; provided further that the department shall partner with an organization that received accreditation from the Corps Center of Excellence Accreditation Program or has at least ten years of experience providing similar programming statewide in the State, or both.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the green jobs youth corps as provided in this Act; provided that the sum appropriated shall be used only for the payment of salaries for not more than one thousand participants with experience in the green jobs youth corps for a period of nine to twelve months, subject to sufficient funds; provided further that notwithstanding any law to the contrary, the department of land and natural resources and its partner or partners shall be permitted to obtain and utilize federal or other outside funding for the purpose of matching state funds provided for the green jobs youth corps.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

ACT 34

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 8, 2022.)

Note

- 1. So in original.

ACT 34

S.B. NO. 2767

A Bill for an Act Relating to Fish Aggregation Devices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State’s system of fish aggregation devices, or FADs, maintained by the Hawaii institute of marine biology provides enhanced fishing opportunities for island fishers. In the vast open ocean, natural and human-made floating objects will commonly attract a microcosm of marine life, including large pelagic fish species sought by local anglers. The State’s FADs are highly utilized by Hawaii’s pelagic small boat, non-longline fishers, especially those targeting tuna species.

Maintenance of the FAD program is labor-intensive as the devices are prone to breaking off and frequently need to be replaced or recovered and re-deployed. As of January 13, 2022, twenty-two of the State’s fifty-five FADs were missing or off-station. The impact of a missing FAD or series of FADs to individual fishers can be great as some depend on them heavily to locate targeted pelagic species. A missing FAD can result in less fish for personal or community consumption and increased operational costs as fishers shift to targeting distant FADs. It is highly important that the State maintain funding to sufficiently carry out timely upkeep and replacement of the FADs, thereby minimizing the length of time off-station and the resulting lost fishing opportunities.

The average cost of replacing a missing FAD is \$12,000. Additional funding sources for the FAD program are currently in development, including the implementation of a non-resident recreational marine fishing license issued by the division of aquatic resources of the department of land and natural resources. Until additional funds are secured, gap funding in the interim will ensure that the FAD program can be maintained effectively.

The purpose of this Act is to provide the department of land and natural resources with one-time funding to bring the state FAD program up to full capacity.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2022-2023 to support the fish aggregation device program.

The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 8, 2022.)

ACT 35

H.B. NO. 1653

A Bill for an Act Relating to Aquatic Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii's aquatic resources are of significant economic, ecologic, cultural, and aesthetic importance to agriculture, tourism, food production, and fisheries in the State. The legislature recognizes the importance of managing and conserving Hawaii's aquatic resources and ecosystem for present and future generations. Careful stewardship and protection of Hawaii's aquatic resources are essential to the well-being of the State.

The purpose of this Act is to strengthen the penalties for violations of the State's aquatic resources law by:

- (1) Establishing a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured;
- (2) Establishing a criminal fine structure on a per-specimen basis for violations involving aquatic life;
- (3) Authorizing the department of land and natural resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine; and
- (4) Authorizing the department of land and natural resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams.

SECTION 2. Section 187A-12.5, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

“(d) [In addition to subsection (b), a fine of up to \$5,000] A fine in addition to the fine under subsection (b) may be levied for each specimen of threatened or endangered aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder[-] as follows:

- (1) For a first violation, up to \$5,000 or the retail market value of the specimen, whichever is higher;
- (2) For a second violation, up to \$10,000 or the retail market value of the specimen, whichever is higher; and
- (3) For a third or subsequent violation, up to \$15,000 or the retail market value of the specimen, whichever is higher.

(e) [In addition to subsection (c), a fine of up to \$1,000] A fine in addition to the fine under subsection (c) may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder[-] as follows:

- (1) For a first violation, up to \$1,000 or the retail market value of the specimen, whichever is higher;
- (2) For a second violation, up to \$2,000 or the retail market value of the specimen, whichever is higher; and
- (3) For a third or subsequent violation, up to \$3,000 or the retail market value of the specimen, whichever is higher.”

SECTION 3. Section 187A-13, Hawaii Revised Statutes, is amended to read as follows:

“§187A-13 General penalty; community service. (a) Any person violating this chapter or any rule adopted thereunder for which a penalty is not oth-

erwise provided, shall be guilty of a petty misdemeanor and, in addition to any other penalties, shall be fined not less than:

- (1) \$250 for a first offense;
- (2) \$500 for a second offense; and
- (3) \$1,000 for a third or subsequent offense.

(b) A fine in addition to the fine under subsection (a) may be levied for each specimen of aquatic life taken, killed, or injured in violation of this chapter or any rule adopted thereunder as follows:

- (1) For a first offense, up to \$250 or the retail market value of the specimen, whichever is higher;
- (2) For a second offense, up to \$500 or the retail market value of the specimen, whichever is higher; and
- (3) For a third or subsequent offense, up to \$1,000 or the retail market value of the specimen, whichever is higher.

~~[(b)]~~ (c) The court may require the defendant to complete an aquatic resources educational class administered by the department in addition to or in lieu of paying all or any part of any monetary fine authorized by this section.

~~[(e)]~~ (d) The court may direct the defendant to perform community service as administered by the department in lieu of paying any monetary fine authorized by this section[-]; provided that if community service is ordered pursuant to this subsection, the department may recommend to the court an order of community service that benefits the resource that was damaged.

(e) The department may recommend to the court that the defendant be sentenced to probation with probationary terms and conditions consistent with sections 706-623 and 706-624, including but not limited to restrictions on:

- (1) Entering specific geographical areas within waters of the State where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams;
- (2) Engaging in certain fishing activities;
- (3) Handling, operating, or possessing certain fishing gear or boating equipment; and
- (4) Taking or possessing certain species of aquatic life.”

SECTION 4. Section 188-70, Hawaii Revised Statutes, is amended to read as follows:

“§188-70 Penalties. (a) Any person violating any provision of or any rule adopted pursuant to this chapter, except sections 188-23, 188-39.5, and 188-40.8, is guilty of a petty misdemeanor and, in addition to any other penalties, shall be fined no less than:

- (1) \$100 for a first offense;
- (2) \$200 for a second offense; and
- (3) \$500 for a third or subsequent offense.

(b) A fine in addition to the fine under subsection (a) may be levied for each specimen of aquatic life taken, killed, or injured in violation of this chapter or any rule adopted thereunder as follows:

- (1) For a first offense, up to \$100 or the retail market value of the specimen, whichever is higher;
- (2) For a second offense, up to \$200 or the retail market value of the specimen, whichever is higher; and
- (3) For a third or subsequent offense, up to \$500 or the retail market value of the specimen, whichever is higher.

~~[(b)]~~ (c) Any person violating section 188-23, is guilty of a class C felony and shall be sentenced pursuant to chapter 706; provided that the environmental court, in addition to any term of imprisonment or any other terms and con-

ditions of probation, shall order the defendant to pay a fine of not less than \$1,000. Notwithstanding section 706-669 and any other law to the contrary, any person in violation of section 188-23(b), as a first offense, shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole of thirty days. Repeat offenders shall be sentenced pursuant to chapter 706.

~~[(e)]~~ (d) The environmental court may require the defendant to complete an aquatic resources educational class administered by the department of land and natural resources in addition to or in lieu of paying all or any part of any monetary fine authorized by this section.

~~[(d)]~~ (e) The environmental court may direct the defendant to perform community service as administered by the department of land and natural resources in lieu of paying any monetary fine authorized by this section~~[-];~~ provided that if community service is ordered pursuant to this subsection, the department of land and natural resources may recommend to the environmental court an order of community service that benefits the resource that was damaged.

(f) The department of land and natural resources may recommend to the environmental court that the defendant be sentenced to probation with probationary terms and conditions consistent with sections 706-623 and 706-624, including but not limited to restrictions on:

- (1) Entering specific geographical areas within waters of the State where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams;
- (2) Engaging in certain fishing activities;
- (3) Handling, operating, or possessing certain fishing gear or boating equipment; and
- (4) Taking or possessing certain species of aquatic life.”

SECTION 5. Section 189-4, Hawaii Revised Statutes, is amended to read as follows:

“§189-4 Penalties. (a) Any person violating any of the provisions of this chapter for which a penalty is not otherwise provided, or any rule of the department adopted thereunder, shall be guilty of a petty misdemeanor and punishable as provided in subsection (b); provided that in the case of a corporation violating any of the provisions, only the fine shall be imposed, but any officer of the corporation who wilfully procures or permits the violation of the provisions by the corporation shall be punishable as in the case of an individual violating the same.

(b) The punishment, in addition to any other penalties, shall be a fine of not less than:

- (1) \$250 for a first offense;
- (2) \$500 for a second offense; and
- (3) \$1,000 for a third or subsequent offense.

(c) A fine in addition to the fine under subsection (b) may be levied for each specimen of aquatic life taken, killed, injured, or sold in violation of this chapter or any rule adopted thereunder as follows:

- (1) For a first offense, up to \$250 or the retail market value of the specimen, whichever is higher;
- (2) For a second offense, up to \$500 or the retail market value of the specimen, whichever is higher; and
- (3) For a third or subsequent offense, up to \$1,000 or the retail market value of the specimen, whichever is higher.

~~[(e)]~~ (d) The fines specified in this section shall not be suspended or waived.

(e) The department may recommend to the court that the defendant be sentenced to probation with probationary terms and conditions consistent with sections 706-623 and 706-624, including but not limited to restrictions on:

- (1) Entering specific geographical areas within waters of the State where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams;
- (2) Engaging in certain fishing activities;
- (3) Handling, operating, or possessing certain fishing gear or boating equipment; and
- (4) Taking or possessing certain species of aquatic life.”

SECTION 6. Section 190-5, Hawaii Revised Statutes, is amended to read as follows:

“§190-5 Penalty. (a) Any person violating this chapter, any rule adopted pursuant thereto, or the terms and conditions of any permit issued under section 190-4, shall be guilty of a petty misdemeanor and punished as provided in subsections (b) ~~[and (c)], (c), and (d).~~

(b) The punishment, in addition to any other penalties, shall be a fine of not less than:

- (1) \$250 for a first offense;
- (2) \$500 for a second offense; and
- (3) \$1,000 for a third or subsequent offense.

(c) A fine in addition to the fine under subsection (b) may be levied for each specimen of aquatic life taken, killed, or injured in violation of this chapter or any rule adopted thereunder as follows:

- (1) For a first offense, up to \$250 or the retail market value of the specimen, whichever is higher;
- (2) For a second offense, up to \$500 or the retail market value of the specimen, whichever is higher; and
- (3) For a third or subsequent offense, up to \$1,000 or the retail market value of the specimen, whichever is higher.

~~[(e)]~~ (d) The court may require the defendant to complete an aquatic resources educational class administered by the department of land and natural resources in addition to or in lieu of paying all or any part of any monetary fine authorized by this section.

~~[(d)]~~ (e) The court may allow the defendant to perform community service as administered by the department of land and natural resources in lieu of paying any monetary fine authorized by this section~~[-]; provided that if community service is ordered pursuant to this subsection, the department of land and natural resources may recommend to the court an order of community service that benefits the resource that was damaged.~~

(f) The department of land and natural resources may recommend to the court that the defendant be sentenced to probation with probationary terms and conditions consistent with sections 706-623 and 706-624, including but not limited to restrictions on:

- (1) Entering specific geographical areas within waters of the State where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams;
- (2) Engaging in certain fishing activities;
- (3) Handling, operating, or possessing certain fishing gear or boating equipment; and
- (4) Taking or possessing certain species of aquatic life.”

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2022.

(Approved June 8, 2022.)

ACT 36

H.B. NO. 986

A Bill for an Act Relating to Newborn Hearing Screening.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that newborn hearing screening is mandated by part XXIX, chapter 321, Hawaii Revised Statutes, as a public health screening program that helps deaf or hard of hearing children reach their developmental milestones and be language-ready for school.

Furthermore, the national standards for early hearing detection and intervention are hearing screening by age one month, diagnostic audiologic evaluation by age three months, and enrollment in early intervention services by age six months. Studies show that children who are deaf or hard of hearing who receive early hearing screening and appropriate follow-up have better vocabulary outcomes, reach their language and communication milestones, and are language-ready for school.

Currently, the department of health newborn hearing screening program does not receive diagnostic audiologic evaluation results for all newborns who do not pass newborn hearing screening. The legislature further finds that consistent reporting of diagnostic audiologic evaluation results will allow the program to ensure that all infants who do not pass their hearing screenings receive a diagnostic audiologic evaluation and appropriate follow-up and support. Timely diagnostic audiologic evaluation results will also facilitate referrals into early intervention services for infants who are deaf or hard of hearing.

The purpose of this Act is to ensure that timely diagnostic audiologic evaluation results on newborns who did not pass newborn hearing screening, or infants whose hearing status changes, are provided to the department of health.

SECTION 2. Section 321-361, Hawaii Revised Statutes, is amended as follows:

1. By adding four new definitions to be appropriately inserted and to read:

““Audiologist” means an individual professional licensed as an audiologist pursuant to chapter 468E.

“Deaf or hard of hearing” means any type and degree of permanent hearing loss as assessed by an audiologist or physician specialized in hearing function.

“Diagnostic audiologic evaluation” means an evaluation of the sensitivity of a person’s sense of hearing as assessed by an audiologist or physician specialized in hearing function.

“Hearing screening” means objective procedures to detect possible hearing loss and determine the need for diagnostic audiologic evaluation and medical evaluation.”

2. By repealing the definition of “hearing impaired infant”:

[~~““Hearing impaired infant” means an infant who has an impairment that is a dysfunction of the auditory system of any type or degree sufficient to interfere with the acquisition and development of speech and language skills.”~~]

3. By repealing the definitions of “management” and “screening”:

[~~““Management” means the habilitation of the hearing impaired infant. “Screening” means a test or battery of tests administered to determine the need for a professional examination.”~~]

SECTION 3. Section 321-362, Hawaii Revised Statutes, is amended to read as follows:

§321-362 Duties. It shall be the duty and responsibility of the department to:

- (1) Establish, implement, and evaluate a statewide ~~[program for early identification of, and intervention for, hearing impairment in infants;]~~ system for hearing screening and diagnostic audiologic evaluation to identify infants who are deaf or hard of hearing, and for referral and enrollment of these infants in early intervention services;
- (2) Establish standards and guidelines for ~~[the]~~ hearing screening, identification, diagnosis, intervention, and monitoring of infants [with hearing impairment and infants at risk for delayed onset of hearing impairment;] who are deaf or hard of hearing or have been identified with a risk indicator for developing delayed-onset or progressive hearing loss, or both;
- (3) Develop a plan in conjunction with the department of ~~[education’s statewide center for students with hearing or visual impairments]~~ education to involve ~~[the]~~ parents or guardians [with the] in any medical and educational follow-up [and management of] for infants who [have been identified as hearing impaired or at risk of delayed onset of hearing impairments;] are deaf or hard of hearing, or who have been identified with a risk indicator for developing delayed-onset or progressive hearing loss, or both; and
- (4) Collect and analyze program data in relation to the duties and responsibilities of the department.”

SECTION 4. Section 321-362.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§321-362.5]—Screening for hearing impairment.]~~ **Hearing screening, diagnostic audiologic evaluation, and intervention.** (a) All newborn infants shall ~~[be screened for hearing impairment for early identification of children with hearing loss and for the promotion of their development of language and communication.]~~ receive a hearing screening to allow early identification and intervention to maximize social, emotional, and language outcomes for children who are deaf or hard of hearing.

(b) The person in charge of each birthing facility caring for newborn infants and the responsible physician attending the birth of a newborn or the person assisting the birth of a child not attended by a physician shall ensure that every infant in the person’s care ~~[be screened for hearing impairment.]~~ receives a hearing screening. This section shall not apply if the parent, guardian, or other person having custody or control of the child objects to the hearing screening in

writing on the grounds that the hearing screening conflicts with their religious beliefs. The written objection shall be made a part of the infant's medical record.

(c) Birthing facilities [~~screening newborn infants for hearing impairment~~] shall report newborn hearing screening results to the department [~~for the purpose of the department ensuring a statewide system for the screening, diagnostic evaluation, and intervention for all newborn infants with hearing impairment~~].

(d) Audiologists and physicians specialized in hearing function who perform diagnostic audiologic evaluations of infants shall report to the department, the diagnostic audiologic evaluation results of those infants who do not pass the hearing screening test and those who are diagnosed as deaf or hard of hearing up to the age of three years."

SECTION 5. Section 321-363, Hawaii Revised Statutes, is amended to read as follows:

“§321-363 Rules. The department shall adopt rules, pursuant to chapter 91, necessary for the purposes of this part, including but not limited to administration and quality of newborn hearing screening; retention of records and related data; reporting of [~~positive~~] hearing screening results; reporting of diagnostic audiologic evaluation [~~and~~] results for those infants who fail newborn hearing screenings or have been identified as deaf or hard of hearing; intervention for infants [~~with hearing impairment;~~] who have been identified as deaf or hard of hearing; informing parents about the purpose of hearing screening[;], diagnostic audiologic evaluation, and intervention; and maintaining the confidentiality of affected families.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 15, 2022.)

ACT 37

H.B. NO. 987

A Bill for an Act Relating to Hearing and Vision Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that early identification of hearing and vision loss, with appropriate follow-up services, is critical for the development of children's language and communication skills needed for learning in school.

A hearing and vision program for school children is mandated by section 321-101, Hawaii Revised Statutes, which operated from 1978 in the department of health and ended in 1995 due to budget reductions with the assumption that primary care providers would provide the hearing and vision screening. The department currently provides consultation and training on hearing and vision screening protocols and tools.

Improvement in hearing and vision screening for children is needed. Currently, hearing and vision screenings are conducted by primary care providers and community programs. However, providers and programs vary regarding protocols for hearing and vision screening and follow-up; screeners vary in their

training and skills for conducting screenings; and there is no uniform data collection for quality improvement.

Hawaii data indicate the need to improve vision screening, especially for younger ages. The National Survey of Children’s Health shows that the Hawaii vision screening rate of 33.2 per cent for children ages zero to five years ranks at forty-four out of fifty states. The Hawaii vision screening rate of 76.8 per cent for children ages six to eleven years and 76.4 per cent for youth ages twelve to seventeen years were both close to the national average.

The legislature further finds that Hawaii newborn hearing screening program data show a hearing loss rate of 4.5 per thousand infants. However, there is a need to continue hearing screening beyond the newborn period, as national data show that the hearing loss rate increases to about six per one thousand children by age six, due to congenital hearing loss that was not identified at birth or late onset or progressive hearing loss.

The purpose of this Act is to increase the early identification of children with hearing or vision loss, by establishing consistent protocols for hearing and vision screening and follow-up, screener training, and data collection and reporting.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by amending part IX to read as follows:

“PART IX. [SYSTEMATIC] HEARING AND VISION PROGRAM

§321-101 [Systematic hearing] Hearing and vision program. (a) There is established a [systematic] hearing and vision program for children to be conducted by the department of health. The purpose of the program shall be to[:

- (1) ~~Detect and identify hearing and vision deficiencies in school children; and~~
- (2) ~~Recommend to their parents or guardians the need for appropriate evaluation of children who have hearing or vision deficiencies, or both, and follow-up and track completed evaluations, including diagnostic and treatment information.]~~

increase the early identification of hearing or vision loss in children by establishing consistent protocols for hearing and vision screening and follow-up, screener training, and data collection for quality improvement.

- (b) The department shall set recommended standards for:
 - (1) Protocols for evidence-based hearing and vision screening, including designation of ages or grades for screening;
 - (2) Screening tools, instruments, and passing and referral criteria for screening that are based on national guidelines and best practices;
 - (3) Referrals, tracking of referrals, and follow-up of children who do not pass screening;
 - (4) Training, certification, and qualifications of personnel who conduct hearing and vision screening, other than those who are licensed health care professionals acting within their legal scope of practice; and
 - (5) Data collection and reporting on hearing and vision screening, referral, and follow-up.

- ~~(b)~~ (c) Within available resources, the program shall include[:
 - (1) Consultation with students, parents, and health and education personnel about treatment and rehabilitation of hearing and vision deficiencies; and
 - (2) Education of students, health and education personnel, and the general public about preserving and caring for hearing and vision and about preventing hearing and vision deficiencies.

(e) ~~The departments of health and education, in cooperation with each other, may conduct classes and lectures in hearing and vision conservation and prevention of hearing loss and blindness for teachers, public health nurses, and others engaged in similar work. The departments shall also cooperate with public and private organizations and societies to educate the public in the importance of hearing and vision conservation.] consultation with and education of students, parents, and health and education personnel about hearing and vision screening, treatment, and services.~~

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 15, 2022.)

ACT 38

S.B. NO. 1138

A Bill for an Act Relating to the Office of Healthcare Assurance Special Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to establish the annual expenditure ceiling of the office of health care assurance special fund through the state budget process and to fund increasing operational expenses that include contracts to implement a new management information system and background checks system.

SECTION 2. Section 321-1.4, Hawaii Revised Statutes, is amended to read as follows:

“§321-1.4 Office of health care assurance special fund; deposits; expenditures. (a) There is established within the department of health, to be administered by the department of health, the office of health care assurance special fund into which shall be deposited moneys collected under section 321-11.5(b), license fees for the administration of the durable medical equipment supplier license program collected pursuant to section 321-544, and all administrative penalties imposed and collected by the office of health care assurance pursuant to section 321-20.

(b) Moneys in the special fund shall be expended by the department of health:

- (1) To assist in offsetting operating costs and educational program expenses of the department of health’s office of health care assurance; and
- (2) For the purpose of enhancing the capacity of office of health care assurance programs to:
 - (A) Improve public health outreach efforts, program and community development, and consultations to industries regulated;
 - (B) Educate the public, the staff of the department of health, and other departments within the State, as well as staff and providers of all health care facilities and agencies regulated; and
 - (C) Administer and support the durable medical equipment supplier license program established pursuant to part XLIII.

~~[Not more than \$327,000 of the special fund may be used during any fiscal year for the activities carried out by the office of health care assurance.]~~

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~~(e) Any amount in the special fund in excess of \$387,500 on June 30 of each year shall be deposited into the general fund.~~

(4) (c) The department of health shall submit a report to the legislature concerning the status of the special fund, including the amount of moneys deposited into and expended from the special fund, and the sources of receipts and uses of expenditures, no later than twenty days prior to the convening of each regular session.”

SECTION 3. There is appropriated out of the office of health care assurance special fund the sum of \$710,000 or so much thereof as may be necessary for fiscal year 2022-2023 to complete the health care facility management information system project.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that section 3 of this Act shall take effect on July 1, 2022.

(Approved June 15, 2022.)

ACT 39

H.B. NO. 2405

A Bill for an Act Relating to Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and cited as the Gender Affirming Treatment Act.

SECTION 2. The legislature finds that many transgender persons have experienced discriminatory treatment from health insurance providers when seeking coverage for gender affirming treatments. Insurance policies often cover therapies and surgeries like feminizing or masculinizing hormone therapies, voice therapies, chest augmentations or reductions, and genital surgeries for other purposes but deny the same treatments for purposes of gender affirmation.

The legislature further finds that these arbitrary assessments of medical necessity are not evidence-based and interfere with the patient-physician relationship. They also place transgender persons who are denied treatment at higher risk of suicide and depression.

The legislature recognizes that, while federal health care guidelines previously prohibited health insurance and health care providers from discriminating on the basis of gender identity, these protections have been largely rolled back.

Accordingly, the purpose of this Act is to:

- (1) Prohibit health insurers, mutual benefit societies, and health maintenance organizations from applying categorical cosmetic or blanket exclusions to gender affirming treatments or procedures when determined to be medically necessary pursuant to applicable law;
- (2) Specify a process for appealing a claim denied on the basis of medical necessity; and
- (3) Require health insurers, mutual benefit societies, and health maintenance organizations to provide applicants and insured persons with

clear information about the coverage of gender transition services, including the process for appealing a claim denied on the basis of medical necessity.

SECTION 3. Section 431:10A-118.3, Hawaii Revised Statutes, is amended to read as follows:

“§431:10A-118.3 Nondiscrimination on the basis of actual gender identity or perceived gender identity; coverage for services. (a) No individual ~~[and]~~ or group accident and health or sickness policy, contract, plan, or agreement that provides health care coverage shall discriminate with respect to participation and coverage under the policy, contract, plan, or agreement against any person on the basis of actual gender identity or perceived gender identity.

(b) Discrimination under this section includes the following:

- (1) Denying, canceling, limiting, or refusing to issue or renew an insurance policy, contract, plan, or agreement on the basis of a transgender person's or ~~[the]~~ a person's transgender family member's actual gender identity or perceived gender identity;
- (2) Demanding or requiring a payment or premium that is based on a transgender person's or ~~[the]~~ a person's transgender family member's actual gender identity or perceived gender identity;
- (3) Designating a transgender person's or ~~[the]~~ a person's transgender family member's actual gender identity or perceived gender identity as a preexisting condition to deny, cancel, or limit coverage; and
- (4) Denying, canceling, or limiting coverage for services on the basis of actual gender identity or perceived gender identity, including but not limited to the following:
 - (A) Health care services related to gender transition; provided that there is coverage under the policy, contract, plan, or agreement for the services when the services are not related to gender transition; and
 - (B) Health care services that are ordinarily or exclusively available to individuals of ~~[one]~~ any sex.

(c) The medical necessity of any treatment for a transgender person, or any person, on the basis of actual gender identity or perceived gender identity shall be determined pursuant to the insurance policy, contract, plan, or agreement and shall be defined in [a manner that is consistent with other covered services.] accordance with applicable law. In the event of an appeal of a claim denied on the basis of medical necessity of the treatment, such appeal shall be decided in a manner consistent with applicable law and in consultation with a health care provider with experience in prescribing or delivering gender affirming treatment who shall provide input on the appropriateness of the denial of the claim.

(d) An insurer shall not apply categorical cosmetic or blanket exclusions to gender affirming treatments or procedures, or any combination of services or procedures or revisions to prior treatments, when determined to be medically necessary pursuant to applicable law, only if the policy, contract, plan, or agreement also provides coverage for those services when the services are offered for purposes other than gender transition. These services may include but are not limited to:

- (1) Hormone therapies;
- (2) Hysterectomies;
- (3) Mastectomies;
- (4) Vocal training;
- (5) Feminizing vaginoplasties;

- (6) Masculinizing phalloplasties;
- (7) Metaoidioplasties;
- (8) Breast augmentations;
- (9) Masculinizing chest surgeries;
- (10) Facial feminization surgeries;
- (11) Reduction thyroid chondroplasties;
- (12) Voice surgeries and therapies; and
- (13) Electrolysis or laser hair removal.

(e) Each individual or group accident and health or sickness policy, contract, plan, or agreement shall provide applicants and policyholders with clear information about the coverage of gender transition services and the requirements for determining medically necessary treatments related to these services, including the process for appealing a claim denied on the basis of medical necessity.

~~[(d)]~~ (f) Any coverage provided shall be subject to copayment, deductible, and coinsurance provisions of an individual ~~[and]~~ or group accident and health or sickness policy, contract, plan, or agreement that are no less favorable than the copayment, deductible, and coinsurance provisions for substantially all other medical services covered by the policy, contract, plan, or agreement.

(g) Nothing in this section shall be construed to mandate coverage of a service that is not medically necessary.

~~[(e)]~~ (h) As used in this section unless the context requires otherwise:

“Actual gender identity” means a person’s internal sense of being male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

“Gender transition” means the process of a person changing the person’s outward appearance or sex characteristics to accord with the person’s actual gender identity.

“Perceived gender identity” means an observer’s impression of another person’s actual gender identity or the observer’s own impression that the person is male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

“Transgender person” means a person who has ~~[gender identity disorder or]~~ gender dysphoria, has received health care services related to gender transition, ~~[adopts the appearance or behavior of the opposite sex,]~~ or otherwise identifies as a gender different from the gender assigned to that person at birth.”

SECTION 4. Section 432:1-607.3, Hawaii Revised Statutes, is amended to read as follows:

“§432:1-607.3 Nondiscrimination on the basis of actual gender identity or perceived gender identity; coverage for services. (a) No individual ~~[and]~~ or group hospital ~~[and]~~ or medical service policy, contract, plan, or agreement that provides health care coverage shall discriminate with respect to participation and coverage under the policy, contract, plan, or agreement against any person on the basis of actual gender identity or perceived gender identity.

(b) Discrimination under this section includes the following:

- (1) Denying, canceling, limiting, or refusing to issue or renew an insurance policy, contract, plan, or agreement on the basis of a transgender person’s or ~~[the]~~ a person’s transgender family member’s actual gender identity or perceived gender identity;
- (2) Demanding or requiring a payment or premium that is based on a transgender person’s or ~~[the]~~ a person’s transgender family member’s actual gender identity or perceived gender identity;

- (3) Designating a transgender person's or ~~[the]~~ a person's transgender family member's actual gender identity or perceived gender identity as a preexisting condition to deny, cancel, or limit coverage; and
- (4) Denying, canceling, or limiting coverage for services on the basis of actual gender identity or perceived gender identity, including but not limited to the following:
- (A) Health care services related to gender transition; provided that there is coverage under the policy, contract, plan, or agreement for the services when the services are not related to gender transition; and
- (B) Health care services that are ordinarily or exclusively available to individuals of ~~[one]~~ any sex.
- (c) The medical necessity of any treatment for a transgender person, or any person, on the basis of actual gender identity or perceived gender identity shall be determined pursuant to the [insurance] hospital or medical service policy, contract, plan, or agreement and shall be defined in [a manner that is consistent with other covered services.] accordance with applicable law. In the event of an appeal of a claim denied on the basis of medical necessity of the treatment, such appeal shall be decided in a manner consistent with applicable law and in consultation with a health care provider with experience in prescribing or delivering gender affirming treatment who shall provide input on the appropriateness of the denial of the claim.
- (d) A mutual benefit society shall not apply categorical cosmetic or blanket exclusions to gender affirming treatments or procedures, or any combination of services or procedures or revisions to prior treatments, when determined to be medically necessary pursuant to applicable law, only if that' the policy, contract, plan, or agreement also provides coverage for those services when the services are offered for purposes other than gender transition. These services may include but are not limited to:
- (1) Hormone therapies;
 - (2) Hysterectomies;
 - (3) Mastectomies;
 - (4) Vocal training;
 - (5) Feminizing vaginoplasties;
 - (6) Masculinizing phalloplasties;
 - (7) Metaoidioplasties;
 - (8) Breast augmentations;
 - (9) Masculinizing chest surgeries;
 - (10) Facial feminization surgeries;
 - (11) Reduction thyroid chondroplasties;
 - (12) Voice surgeries and therapies; and
 - (13) Electrolysis or laser hair removal.
- (e) Each individual or group hospital or medical service policy, contract, plan, or agreement shall provide applicants and members with clear information about the coverage of gender transition services and the requirements for determining medically necessary treatments related to these services, including the process for appealing a claim denied on the basis of medical necessity.
- ~~[(d)]~~ (f) Any coverage provided shall be subject to copayment, deductible, and coinsurance provisions of an individual ~~[and]~~ or group hospital ~~[and]~~ or medical service policy, contract, plan, or agreement that are no less favorable than the copayment, deductible, and coinsurance provisions for substantially all other medical services covered by the policy, contract, plan, or agreement.
- (g) Nothing in this section shall be construed to mandate coverage of a service that is not medically necessary.

~~[(e)]~~ (h) As used in this section unless the context requires otherwise:

“Actual gender identity” means a person’s internal sense of being male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

“Gender transition” means the process of a person changing the person’s outward appearance or sex characteristics to accord with the person’s actual gender identity.

“Perceived gender identity” means an observer’s impression of another person’s actual gender identity or the observer’s own impression that the person is male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

“Transgender person” means a person who has ~~[gender identity disorder or]~~ gender dysphoria, has received health care services related to gender transition, ~~[adopts the appearance or behavior of the opposite sex,]~~ or otherwise identifies as a gender different from the gender assigned to that person at birth.”

SECTION 5. Section 432D-26.3, Hawaii Revised Statutes, is amended to read as follows:

§432D-26.3 Nondiscrimination on the basis of actual gender identity or perceived gender identity; coverage for services. (a) No health maintenance organization policy, contract, plan, or agreement shall discriminate with respect to participation and coverage under the policy, contract, plan, or agreement against any person on the basis of actual gender identity or perceived gender identity.

(b) Discrimination under this section includes the following:

- (1) Denying, canceling, limiting, or refusing to issue or renew an insurance policy, contract, plan, or agreement on the basis of a transgender person’s or ~~[the]~~ a person’s transgender family member’s actual gender identity or perceived gender identity;
- (2) Demanding or requiring a payment or premium that is based on a transgender person’s or ~~[the]~~ a person’s transgender family member’s actual gender identity or perceived gender identity;
- (3) Designating a transgender person’s or ~~[the]~~ a person’s transgender family member’s actual gender identity or perceived gender identity as a preexisting condition to deny, cancel, or limit coverage; and
- (4) Denying, canceling, or limiting coverage for services on the basis of actual gender identity or perceived gender identity, including but not limited to the following:
 - (A) Health care services related to gender transition; provided that there is coverage under the policy, contract, plan, or agreement for the services when the services are not related to gender transition; and
 - (B) Health care services that are ordinarily or exclusively available to individuals of ~~[one]~~ any sex.

(c) ~~The medical necessity of any treatment for a transgender person, or any person, on the basis of actual gender identity or perceived gender identity shall be determined pursuant to the [insurance] health maintenance organization policy, contract, plan, or agreement and shall be defined in [a manner that is consistent with other covered services.] accordance with applicable law. In the event of an appeal of a claim denied on the basis of medical necessity of the treatment, such appeal shall be decided in a manner consistent with applicable law and in consultation with a health care provider with experience in prescribing or delivering gender affirming treatment who shall provide input on the appropriateness of the denial of the claim.~~

(d) A health maintenance organization shall not apply categorical cosmetic or blanket exclusions to gender affirming treatments or procedures, or any combination of services or procedures or revisions to prior treatments, when determined to be medically necessary pursuant to applicable law, only if the policy, contract, plan, or agreement also provides coverage for those services when the

services are offered for purposes other than gender transition. These services may include but are not limited to:

- (1) Hormone therapies;
- (2) Hysterectomies;
- (3) Mastectomies;
- (4) Vocal training;
- (5) Feminizing vaginoplasties;
- (6) Masculinizing phalloplasties;
- (7) Metaoidioplasties;
- (8) Breast augmentations;
- (9) Masculinizing chest surgeries;
- (10) Facial feminization surgeries;
- (11) Reduction thyroid chondroplasties;
- (12) Voice surgeries and therapies; and
- (13) Electrolysis or laser hair removal.

(e) Each health maintenance organization policy, contract, plan, or agreement shall provide applicants and subscribers with clear information about the coverage of gender transition services and the requirements for determining medically necessary treatments related to these services, including the process for appealing a claim denied on the basis of medical necessity.

~~[(d)]~~ (f) Any coverage provided shall be subject to copayment, deductible, and coinsurance provisions of a health maintenance organization policy, contract, plan, or agreement that are no less favorable than the copayment, deductible, and coinsurance provisions for substantially all other medical services covered by the policy, contract, plan, or agreement.

(g) Nothing in this section shall be construed to mandate coverage of a service that is not medically necessary.

~~[(e)]~~ (h) As used in this section unless the context requires otherwise:

“Actual gender identity” means a person’s internal sense of being male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

“Gender transition” means the process of a person changing the person’s outward appearance or sex characteristics to accord with the person’s actual gender identity.

“Perceived gender identity” means an observer’s impression of another person’s actual gender identity or the observer’s own impression that the person is male, female, a gender different from the gender assigned at birth, a transgender person, or neither male nor female.

“Transgender person” means a person who has ~~[gender identity disorder~~ gender dysphoria, has received health care services related to gender transition, ~~[adopts the appearance or behavior of the opposite sex,]~~ or otherwise identifies as a gender different from the gender assigned to that person at birth.”

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 16, 2022.)

Note

1. So in original.

A Bill for an Act Relating to Jury Service.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 612-2, Hawaii Revised Statutes, is amended to read as follows:

“§612-2 **Prohibition of discrimination.** A citizen shall not be excluded from jury service in this State on account of race, color, religion, sex, including gender identity or expression, national origin, economic status, or physical disability, except as provided in section 612-4(b)(1).”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 16, 2022.)

A Bill for an Act Relating to the Hawaii State Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 20 to be appropriately designated and to read as follows:

“CHAPTER
**HAWAII STATE LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER,
PLUS COMMISSION**

§ -1 **Findings and purpose.** The legislature finds that there is a need to establish a body to improve the State’s interface with members of the lesbian, gay, bisexual, transgender, queer, plus community; identify the short- and long-range needs of its members; and ensure that there is an effective means of researching, planning, and advocating for the equity of this population in all aspects of state government. Accordingly, the purpose of this chapter is to establish a commission to provide for a statewide program, on a permanent and continuing basis, on the status of lesbian, gay, bisexual, transgender, queer, plus individuals in Hawaii.

§ -2 **Definitions.** For purposes of this chapter:
“Commission” means the Hawaii state lesbian, gay, bisexual, transgender, queer, plus commission.

“Lesbian, gay, bisexual, transgender, queer, plus” includes any individual who identifies as a member of the lesbian, gay, bisexual, transgender, or queer community, or any individual who identifies as a member of a sexual or gender minority, including intersex, asexual, or pansexual individuals.

§ -3 **Hawaii state lesbian, gay, bisexual, transgender, queer, plus commission; membership.** (a) There is established the Hawaii state lesbian, gay, bisexual, transgender, queer, plus commission within the department of human services for administrative purposes.

(b) The commission shall consist of the following:

- (1) Six ex officio, nonvoting members or their designees, including the:
 - (A) Superintendent of education;
 - (B) President of the University of Hawaii system;
 - (C) Director of labor and industrial relations;
 - (D) Director of human resources development;
 - (E) Director of human services; and
 - (F) Director of health; and
- (2) Eight voting members who shall be appointed by the governor in accordance with section 26-34; provided that of these eight members:
 - (A) One member shall be from the county of Hawaii;
 - (B) One member shall be from the county of Kauai;
 - (C) One member shall be from the county of Maui;
 - (D) Four members shall be from the city and county of Honolulu; and
 - (E) One member shall represent the Hawaii sexual and gender minority workgroup of the department of health.
- (c) The governor shall appoint members of the commission:
 - (1) On the basis of their interest and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of the lesbian, gay, bisexual, transgender, queer, plus community; and
 - (2) That reflect the diversity of the lesbian, gay, bisexual, transgender, queer, plus community by including individuals from different lesbian, gay, bisexual, transgender, queer, plus identities.
- (d) A chairperson of the commission shall be elected annually from the eight appointed members of the commission. A quorum to do business or validate any act of the commission shall consist of a majority of the eight appointed members of the commission.

§ -4 Compensation. The members of the commission shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

§ -5 Powers and duties of the commission. The commission shall:

- (1) Act as a central clearinghouse and coordinating body for governmental and nongovernmental activities and information relating to the status of the lesbian, gay, bisexual, transgender, queer, plus community in the State;
- (2) Create public awareness and understanding of the responsibilities, needs, potentials, and contributions of the lesbian, gay, bisexual, transgender, queer, plus community and their roles in the changing society;
- (3) Recommend legislative and administrative action on equal treatment and opportunities for members of the lesbian, gay, bisexual, transgender, queer, plus community;
- (4) Encourage a long-range program of education of members of the lesbian, gay, bisexual, transgender, queer, plus community in their political rights and responsibilities, particularly with respect to their voting duties;
- (5) Maintain contacts with appropriate federal, state, local, and international agencies concerned with the status of the lesbian, gay, bisexual, transgender, queer, plus community;
- (6) Cooperate and collaborate with national groups on the status of the lesbian, gay, bisexual, transgender, queer, plus community and

- arrange for participation by representatives of the State in White House conferences and other national conferences;
- (7) Administer funds allocated for the commission’s work, including accepting, disbursing, and allocating funds that may become available from other governmental and private sources; provided that all funds shall be disbursed or allocated in compliance with any specific designation stated by the donor; provided further that in the absence of any specific designation, the funds shall be disbursed or allocated to projects related to any of the purposes of this chapter; and
 - (8) Submit to the governor and legislature an annual report with recommendations.”

SECTION 2. This Act shall take effect upon its approval.
 (Approved June 16, 2022.)

ACT 42

H.B. NO. 2337

A Bill for an Act Relating to Highway Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a need to amend the definition of “drug” for offenses under chapter 291E, Hawaii Revised Statutes, involving the use of intoxicants while operating a vehicle. For example, in order to convict an offender of the offense of operating a vehicle under the influence of an intoxicant when the intoxicant is a drug under section 291E-61(a)(2), Hawaii Revised Statutes, the prosecution must prove beyond a reasonable doubt that:

- (1) The person was operating the vehicle; and
- (2) The person was under the influence of any drug that impaired the person’s ability to operate the vehicle in a careful and prudent manner.

However, because the term “drug” is defined for purposes of chapter 291E, Hawaii Revised Statutes, as any controlled substance listed in schedules I through IV of chapter 329, Hawaii Revised Statutes, it can be difficult for the prosecution to prove the second prong of the foregoing offense because many drugs, like kava and certain muscle relaxants, can cause serious impairment of drivers but are not scheduled as controlled substances. In addition, there have been recent attempts at the federal and state levels to remove cannabis and tetrahydrocannabinols from the schedule of controlled substances. If these were to succeed, persons found to be driving while impaired by cannabis could not be persecuted under Hawai’i’s current operating a vehicle under the influence of an intoxicant statute.

The legislature further finds that the process of placing a drug or substance on the schedule of controlled substances does not respond quickly enough to emerging drugs. Synthetic drugs can be manufactured very rapidly and can avoid law enforcement when they are created by changing the chemical composition of an existing drug; in this manner, synthetic drugs like “spice” and “bath salts” evade the scheduling process. In order to quickly adapt and prosecute offenders using new emerging drugs, law enforcement should not be forced to rely solely on the controlled substance schedules for certain offenses.

The purpose of this Act is to clarify the definitions of “drug”, “substance”, and “substance abuse” for purposes of operating a vehicle under the influence of an intoxicant violations.

SECTION 2. Section 291E-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:
““Substance abuse” means the use or misuse of alcohol, any drug on schedules I through IV of chapter 329, or any substance as defined in this section, to any extent deemed deleterious or detrimental to the user, to others, or to society.”

2. By amending the definition of “drug” to read:
““Drug” means any controlled substance, as defined and enumerated in schedules I through IV of chapter 329, or its metabolites[-], or any substance that, when taken into the human body, can impair the ability of a person to operate a vehicle safely.”

3. By amending the definition of “substance” to read:
““Substance” [~~and “substance abuse” have the same meanings as provided in section 321-191.~~] means any plant, medication, poison, natural or synthetic chemical, or any compound or combination of these, and includes but is not limited to central nervous system depressants, central nervous systems stimulants, hallucinogens, dissociative anesthetics, narcotic analgesics, inhalants, and cannabis.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 43

H.B. NO. 2422

A Bill for an Act Relating to Sentencing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Since the 1990s, the legislature, as a matter of public policy, has made a concerted effort to reduce and prevent domestic violence in the State. One of these efforts was an amendment to section 586-4, Hawaii Revised Statutes, to authorize a family court to order a violator of the court’s temporary restraining order to undergo mandatory domestic violence intervention. The statute also provides that the family court may impose additional sanctions applicable to a misdemeanor sentence.

The legislature believes that in the Hawaii supreme court’s decision in *State v. Agdinaoay*, 150 Hawaii 223 (2021), the majority erred when it misinterpreted section 586-4(e), Hawaii Revised Statutes, and held that domestic violence intervention may only be ordered as a condition of probation.

Accordingly, the purpose of this Act is to clarify that a family court must impose a sentence for domestic violence intervention, with or without probation, for violations of restraining orders, orders for protection, and abuse of family or household members.

SECTION 2. Chapter 580, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“**§580- Domestic violence intervention.** Notwithstanding chapter 706 or any other law to the contrary, any sentence for domestic violence intervention specified by section 580-10 shall be imposed by the court, with or without probation.”

SECTION 3. Chapter 586, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“**§586- Domestic violence intervention.** Notwithstanding chapter 706 or any other law to the contrary, any sentence for domestic violence intervention specified by section 586-4 or section 586-11 shall be imposed by the court, with or without probation.”

SECTION 4. Chapter 709, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§709- Domestic violence intervention.** Notwithstanding chapter 706 or any other law to the contrary, any sentence for domestic violence intervention specified by section 709-906 shall be imposed by the court, with or without probation.”

SECTION 5. Section 701-102, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

“(3) The provisions of chapters 701 through 706 of the Code are applicable to offenses defined by other statutes, unless ~~[the Code]~~ otherwise ~~[provides.]~~ provided by applicable law.”

SECTION 6. Section 706-600, Hawaii Revised Statutes, is amended to read as follows:

“**§706-600 Sentence in accordance with this chapter**~~[-. No]; other applicable law.~~ A sentence shall be imposed [otherwise than] in accordance with this chapter[-]., unless otherwise provided by applicable law.”

SECTION 7. Section 706-605, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Except as provided in parts II and IV or in section 706-647 and subsections (2), (6), and (7), and subject to the applicable provisions of this Code, the court may sentence a convicted defendant to one or more of the following dispositions:

- (a) To be placed on probation as authorized by part II;
- (b) To pay a fine as authorized by part III and section 706-624;
- (c) To be imprisoned for a term as authorized by part IV; ~~[or]~~
- (d) To perform services for the community under the supervision of a governmental agency or benevolent or charitable organization or other community service group or appropriate supervisor; provided that the convicted person who performs ~~[such] these~~ services shall not be deemed to be an employee of the governmental agency or assigned work site for any purpose. All persons sentenced to perform community service shall be screened and assessed for appropriate placement by a governmental agency coordinating public service work placement as a condition of sentence~~[-]; or~~

- (e) To undergo domestic violence programs pursuant to chapter 580, 586, or 709 or other applicable law, with or without probation.”

SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect upon its approval.
(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 44

H.B. NO. 886

A Bill for an Act Relating to Professionally Licensed or Certified Government Employees.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In the decision of *Slingsluff v. State*, 131 Hawai‘i 239, 317 P.3d 683 (Haw. Ct. App. 2013), the Intermediate Court of Appeals held that “physicians employed by the State, including prison doctors, exercising purely medical discretion in the diagnosis and treatment of potentially injured or sick people, are not protected from medical malpractice claims by the doctrine of qualified immunity under Hawai‘i law.”

The purpose of this Act is to override the Intermediate Court of Appeals’ holding in *Slingsluff* and clarify the personal liability requirements for professionally licensed or certified employees of the State by:

- (1) Clarifying when the State shall be exclusively liable for civil tort claims resulting from the negligent or wrongful act or omission of a professionally licensed or certified employee of the State acting within the course and scope of the employee’s office or employment;
- (2) Precluding civil actions or proceedings for money damages against the state employee, except for claims based on liability other than an employee’s course and scope of employment with the State or other employer; and
- (3) Clarifying liability when the State agrees to assume full or partial responsibility in a civil action against a professionally licensed or certified employee.

SECTION 2. Section 662-14, Hawaii Revised Statutes, is amended to read as follows:

“§662-14 Exclusiveness of remedy. (a) The authority of the State or any state agency to sue and be sued in its own name shall not be construed to authorize any other actions against the State or such agency on claims ~~[for torts of its employees;]~~ cognizable under this chapter, and the rights and remedies provided by this chapter and section 661-11 shall be exclusive.

(b) The remedy against the State provided by this chapter and section 661-11 for injury or loss of property, or personal injury or death, arising or resulting from the negligent or wrongful act or omission of any professionally licensed or certified employee of the State while acting within the course and scope of the employee’s office or employment shall be exclusive whenever the State agrees to be fully liable for the injuries, losses, and damages caused by the negligent or wrongful act or omission of the professionally licensed or certified employee. Any civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employee’s estate shall thereafter be precluded without regard to when the act or omission occurred; provided that claims based on liability arising from employment with an employer other than the State shall not be precluded. When an employee is named as a defendant in an individual capacity, the State may notify all parties in writing that the State is invoking exclusive liability by agreeing to be fully liable for the injuries, losses, and damages caused by the professionally licensed or certified employee, and the action or proceeding shall thereafter proceed against the State alone. The employee shall remain personally liable for those injuries, losses, and damages for which the State has not accepted responsibility.

(c) Nothing in this section shall create a right, claim, or cause of action by an employee against the State if the State does not invoke exclusive liability.

(d) The State shall retain the right to seek reimbursement from an employee if, after invoking exclusive liability, the State discovers that the employee was not acting within the course and scope of the employee’s office or employment.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 45

S.B. NO. 2125

A Bill for an Act Relating to Liquor Licenses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the liquor commissions or liquor control adjudication boards of each county regulate the sale of liquor through the issuance of liquor licenses and the enforcement of laws and rules. Violations may include the sale of liquor to minors, the sale of liquor to highly intoxicated persons, or for excessive noise emanating from liquor establishments, such as bars and nightclubs.

The legislature further finds that under existing law the maximum fine allowable for violations of liquor control laws is \$2,000. The legislature also finds that heftier fines can create a greater deterrent for license holders from risking violation of liquor control laws and rules.

Accordingly, the purpose of this Act is to provide greater flexibility in assessing fines by increasing the maximum allowable fine for violations of liquor control laws by a licensee from \$2,000 to \$5,000.

SECTION 2. Section 281-91, Hawaii Revised Statutes, is amended to read as follows:

“§281-91 Revocation or suspension of license; hearing. The liquor commission or liquor control adjudication board may revoke any license at any time issued, or suspend the right of the licensee to use the licensee’s license, or assess and collect a penalty, or reprimand the licensee, either for the violation of any condition of the license or of any provisions of this chapter or of any rule [or regulation] applicable thereto, or upon the conviction in a court of law of the licensee of any violation of this chapter or of any other law relative to the licensee’s license or the proper exercise thereof, or of any violation of law in any other respect on account whereof the commission or board may deem the licensee to be an unfit or improper person to hold a license, or for any other cause deemed sufficient by the commission or board.

In every case where it is proposed to revoke or suspend the exercise of any license or assess and collect a penalty for any cause other than a conviction at law of the licensee as above specified, the licensee shall be entitled to notice and hearing in conformity with chapter 91, the notice to be given at least five days before the hearing, except that any special license shall be subject to summary revocation for any violation of or evidence of intent to violate the proper exercise thereof, without hearing before the commission or board.

At the hearing, before final action is taken by the commission or board, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for the proposed action do not exist, or any reasons why no penalty should be imposed. The testimony taken at the hearing shall be under oath and recorded stenographically, or by machine, but the parties shall not be bound by the strict rules of evidence; certified copies of any transcript and of any other record made of or at the hearing shall be furnished to the licensee upon the licensee’s request and at the licensee’s expense.

Any order of revocation, suspension, fine, or reprimand imposed by the commission or board upon the licensee shall be in addition to any penalty that might be imposed upon the licensee upon the licensee’s conviction at law for any violation of this chapter. No licensee shall be subject to both the penalty assessed and collected by the commission or board and to revocation or suspension of license. The amount of penalty assessed and collected by the commission or board from any licensee for any particular offense shall not exceed the sum of [~~\$2,000.~~] \$5,000.

Whenever the service of any order or notice shall be required by this section, the service shall be made in the following manner: in the case of any violation based upon the personal observation of any investigator, a written notice of the violation shall be given to the licensee or the licensee’s registered manager in active charge of the premises, or by serving a certified copy of the notice or order upon the holder of the license wherever the holder may be found in the circuit wherein the holder is licensed, or, if the holder cannot be found after diligent search, by leaving a certified copy thereof at the holder’s dwelling house or usual place of abode with some person of suitable age and discretion residing therein; and if the holder of the license cannot be found after diligent search, and service cannot be made, then service may be made by posting a certified copy of the notice or order in a conspicuous place on the licensed premises and depositing another certified copy thereof in the certified mail of the United States post of-

fice, postage prepaid, addressed to the holder of the license at the holder's last known residence address; provided that in the case of a partnership, corporation, unincorporated association, or limited liability company, service may be made upon any partner, officer, or member thereof."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 46

H.B. NO. 1539

A Bill for an Act Relating to the Safety of Judiciary Personnel.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that threats and inappropriate communications to judges and court personnel have escalated in recent years. A June 2021 National Institute of Justice audit of the United States Marshals Service's (USMS) judicial security activities noted that the USMS responded to more than four thousand two hundred threats or inappropriate communications against federal judges and other protected persons in fiscal year (FY) 2020, an increase of eighty-one per cent from the number of threats in FY 2016, and a two-hundred thirty-three per cent increase in threats since FY 2008. At the state level, the number of threats and other inappropriate communications against Hawaii judges have increased tenfold in less than ten years, from two in 2012 to approximately twenty in 2021.

Other judiciary staff whose duties put them at risk of threats or violence are court social workers who monitor offenders placed on probation. Staff routinely supervise probationers convicted of violent crimes, and the Occupational Safety and Health Administration categorizes probation officers as a high risk occupation for workplace violence. Incidents of threats and inappropriate communications against judiciary social workers providing probation oversight have increased sevenfold in the last nine years. Social workers with the judiciary's office of the public guardian have also been threatened with violence in the course of carrying out their duties as court-appointed guardians of incapacitated persons.

The USMS audit also noted that, historically, the safety of federal judges is at greater risk when they are away from the courthouse. This statement is borne out by incidents involving attacks against federal judges at their residences, which have resulted in the deaths of or serious injuries to judges and their family members. In at least one of these cases, the attacker used the Internet to access the judge's personal information.

The legislature further recognizes that, given the availability of personal information of judges and judiciary staff on the Internet, additional measures are needed to ensure the safety of judges and judiciary personnel. The identification of these methods will require collaboration and cooperation among various governmental and nongovernmental entities.

The purpose of this Act is to create a task force to identify appropriate measures to enhance the security of judges and judiciary personnel while not diminishing civil liberties or unduly hindering governmental operations.

SECTION 2. (a) A judicial security task force shall be convened and placed within the judiciary for administrative purposes. The task force shall examine, evaluate, and determine optimal methods for securing online personal information of federal and state judges and appropriate judiciary personnel, which may include requirements for nondisclosure or redaction of personal information on the Internet. The task force shall have the following objectives:

- (1) Identify, consult, and collaborate with public and private stakeholders to secure online personal information of federal and state judges and specified judiciary personnel;
 - (2) Consider how other states, including New Jersey, California, Washington, and Illinois, as well as Congress are addressing the issue of judicial security with regard to prohibiting or limiting the online publication or posting of certain personal information for specified persons;
 - (3) Determine the most effective practices or restrictions, including those that limit persons, businesses, and associations from publicly posting, publishing, or displaying personal information concerning federal and state judges and certain judiciary personnel;
 - (4) Determine appropriate exceptions to these practices or restrictions, if any, for any suggested redaction or nondisclosure requirements, including matters affecting the title to real property;
 - (5) Make recommendations regarding measures that would enhance judicial security without unduly hindering government operations and without diminishing civil liberties and first amendment rights; and
 - (6) Make recommendations as to penalties, fines, or other sanctions to be imposed for unlawful publication of personal information about federal and state judges or specified judiciary personnel.
- (b) The task force shall consist of the following members:
- (1) The administrative director of the courts or the administrative director's designee, who shall serve as a co-chair of the task force;
 - (2) The director of public safety or the director's designee, who shall serve as a co-chair of the task force;
 - (3) The special assistant to the administrative director of the courts for judiciary security;
 - (4) A sitting full-time judge of the Hawaii state district court, circuit court, or intermediate court of appeals;
 - (5) A member representing the federal judiciary, who shall be invited by the co-chairs;
 - (6) A member appointed by the governor;
 - (7) The attorney general or the attorney general's designee;
 - (8) The comptroller or the comptroller's designee representing the office of enterprise technology services;
 - (9) The director of commerce and consumer affairs or the director's designee;
 - (10) A member representing the city and county of Honolulu, real property assessment division;
 - (11) A member representing the law enforcement community, who shall be invited by the co-chairs; and

- (12) A member of the nonprofit sector, who shall be invited by the co-chairs.

Task force members may recommend for membership on the task force additional stakeholders with appropriate expertise, subject to approval by the co-chairs. For purposes of this subsection, “stakeholder” means a representative of a regional, state, or local government agency; a representative of a nongovernmental organization in areas that may include data collection and dissemination, civil liberties, and law enforcement; or advocates having experience in data collection and dissemination on the Internet, civil liberties, or law enforcement.

(c) The initial meeting of the task force shall occur no later than sixty days after the effective date of this Act, during which the members shall elect a vice chair and any other necessary officers from among the appointed members.

(d) The task force shall meet no less than quarterly and may hold additional public meetings as deemed necessary. Meetings may be held virtually.

(e) Members of the task force shall receive no compensation for their duties and shall not be subject to section 84-17, Hawaii Revised Statutes, solely based on their participation on the task force. The task force shall be exempt from chapter 92, Hawaii Revised Statutes.

(f) The task force shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2023.

(g) The task force shall cease to exist on July 1, 2023.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 47

S.B. NO. 2162

A Bill for an Act Relating to Ranked Choice Voting.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the current plurality voting method in special elections allows a candidate to win an election without a majority of votes when there are more than two candidates for the office. In elections with many candidates, the plurality method may result in winners who received small percentages of votes and who are not widely supported by voters. For the winners, this may raise concerns about a lack of public support and confidence that may undermine the ability of the elected to govern effectively.

Ranked-choice voting is an election method that provides voters the ability to rank candidates in order of choice, as a voter’s first, second, and later choices. Tabulation begins with each voter’s first choice vote. If a candidate receives a majority of votes, that candidate wins. If no candidate receives a majority of votes, the candidate with the fewest votes is eliminated and each vote counting for that candidate counts for the voter’s second choice in the subsequent round. That process repeats by eliminating the candidate with the fewest votes and counting each vote for the highest-ranked remaining candidate in the next round, until two candidates remain, and the candidate with the most votes wins.

The legislature further finds that ranked-choice voting has been used effectively in the United States and around the world. Notably, New York City implemented ranked-choice voting for the 2021 primaries for the election of its mayor, an election process that engaged several million voters. Maine has successfully implemented ranked-choice voting for two election cycles; in 2018 for

primary and general elections of state and congressional offices and in 2020 for the United States presidential election. Alaska voters also approved an initiative in 2020 to implement ranked-choice voting in the 2022 election cycle for all federal and state races. Ranked-choice voting has also been implemented in other jurisdictions, including Australia, Ireland, Malta, New Zealand, Northern Ireland, and Scotland.

Furthermore, the legislature finds that the State's voting systems, including optical scanners, can process ranked-choice voting with little or no difficulty.

The purpose of this Act is to implement the use of ranked-choice voting for special elections held for congressional races in the State and vacant county council seats.

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part VII to be appropriately designated and to read as follows:

“§11- Ranked-choice voting; application; procedure. (a) Any federal election not held on the date of a regularly scheduled primary or general election and any special election for a vacant seat on a county council shall be conducted by ranked-choice voting.

(b) Except as provided in subsections (c) and (d), the following procedures shall be used to determine the winner of an election conducted by ranked-choice voting:

- (1) Tabulation of votes shall proceed in rounds;
- (2) In each round, the number of votes for each continuing candidate shall be counted, with each continuing ballot counting as one vote for its highest-ranked continuing candidate for that round;
- (3) Inactive ballots shall not be counted for any continuing candidate; and
- (4) The round shall end with one of two potential outcomes:
 - (A) If there are two or fewer continuing candidates, the candidate with the most votes shall be declared the winner of the election; or
 - (B) If there are more than two continuing candidates, the last-place candidate shall be defeated and a new round shall begin.

(c) A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round shall be decided by lot, and the candidate chosen by lot shall be:

- (1) Declared the winner if the tie is between candidates for the most votes in the final round; or
- (2) Defeated if the tie is between last-place candidates in any round.

(d) The office of elections may modify a ranked-choice voting ballot and tabulation; provided that:

- (1) The number of allowable rankings shall be limited to no fewer than six candidates; and
- (2) Two or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

(e) For the purposes of this section:

“Batch elimination” means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

“Continuing ballot” means a ballot that is not an inactive ballot.

“Continuing candidate” means a candidate who has not been defeated.

“Highest continuing ranking” means the highest ranking on a voter's ballot for a continuing candidate.

“Inactive ballot” means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.

“Last-place candidate” means the candidate with the fewest votes in a round of ranked-choice voting tabulation.

“Mathematically impossible to be elected”, with respect to a candidate, means that:

- (1) The candidate cannot be elected because the candidate’s vote total in a round of the ranked-choice voting tabulation, plus all votes that could possibly be transferred to the candidate in future rounds from candidates with an equal or lower number of votes, would not be enough to surpass the candidate with the next-higher vote total in the round; or
- (2) The candidate has a lower vote total than a candidate described in paragraph (1).

“Overvote” means a circumstance in which a voter has ranked more than one candidate at the same ranking on a ballot.

“Ranked-choice voting” means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated, and the candidate with the most votes in the final round is elected.

“Ranking” means the number assigned on a ballot by a voter to a candidate to express the voter’s preference for that candidate, in which the lowest number is the highest ranking, and the highest number is the lowest ranking.

“Round” means an instance of the sequence of voting tabulation steps established in subsection (b).

“Skipped ranking” means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.”

SECTION 3. Section 11-91, Hawaii Revised Statutes, is amended to read as follows:

“**§11-91 Proclamation.** (a) No later than 4:30 p.m. on the tenth day before the close of filing in elections involving state offices, the chief election officer shall issue an election proclamation. In elections involving only county offices the clerk shall issue the proclamation. In elections involving both state and county offices the proclamation may be issued jointly.

(b) The proclamation shall contain a statement of the purposes for which the election is to be held, and a designation of the offices and the terms thereof for which candidates are to be nominated or elected. It may also contain any other relevant matter including an offer of rewards for the detection and conviction of offenders against the election laws. The chief election officer or clerk shall cause the election proclamation to be published at least once in a newspaper of general circulation and no later than on the tenth day before the close of filing.

(c) For any election conducted by ranked-choice voting pursuant to section 11- , the election proclamation shall include a statement that votes shall be cast and tabulated using ranked-choice voting and shall provide an explanation of ranked-choice voting.”

SECTION 4. Section 11-112, Hawaii Revised Statutes, is amended to read as follows:

“**§11-112 Contents of ballot.** (a) The ballot shall contain the names of the candidates, their party affiliation or nonpartisanship in partisan election contests, the offices for which they are running, and the district in which the

election is being held. In multimember races the ballot shall state that the voter shall not vote for more than the number of seats available or the number of candidates listed where [~~such~~] the number of candidates is [~~less~~] fewer than the number of seats available.

(b) The ballot may include questions concerning proposed state constitutional amendments, proposed county charter amendments, or proposed initiative or referendum issues.

(c) At the chief election officer's discretion, the ballot may have a background design imprinted onto it.

(d) When the electronic voting system is used, the ballot may have pre-punched codes and printed information [~~which~~] that identify the voting districts, precincts, and ballot sets to facilitate the electronic data processing of these ballots.

(e) The name of the candidate may be printed with the Hawaiian or English equivalent or nickname, if the candidate so requests in writing at the time the candidate's nomination papers are filed. Candidates' names, including the Hawaiian or English equivalent or nickname, shall be set on one line.

(f) The ballot shall bear no word, motto, device, sign, or symbol other than as allowed in this title.

(g) The ballot may include information necessary to use ranked-choice voting as described in section 11- ."

SECTION 5. Section 11-151, Hawaii Revised Statutes, is amended to read as follows:

"§11-151 Vote count. [~~Each~~] Except for contests conducted by ranked-choice voting pursuant to section 11- , each contest or question on a ballot shall be counted independently as follows:

- (1) If the votes cast in a contest or on a question are equal to or less than the number to be elected or chosen for that contest or question, the votes for that contest or question shall be counted;
- (2) If the votes cast in a contest or question exceed the number to be elected or chosen for that contest or question, the votes for that contest or question shall not be counted; and
- (3) If a contest or question requires a majority of the votes for passage, any blank, spoiled, or invalid ballot shall not be tallied for passage or as votes cast except that such ballots shall be counted as votes cast in ratification of a constitutional amendment or a question for a constitutional convention."

SECTION 6. Section 11-152, Hawaii Revised Statutes, is amended to read as follows:

"§11-152 Method of counting. (a) For votes cast using the electronic voting system, the ballots shall be taken in the sealed ballot containers to the counting center according to the procedure and schedule adopted by the chief election officer to promote the security of the ballots. For all votes cast in an election, in the presence of official observers, counting center employees may start to count the ballots before election day, as specified in section 11-108.

(b) In an election conducted by ranked-choice voting, votes shall be counted as provided in section 11- ."

SECTION 7. Section 11-155, Hawaii Revised Statutes, is amended to read as follows:

"§11-155 Certification of results of election. On receipt of certified tabulations from the election officials concerned, the chief election officer[;] in

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a state election, or county clerk in a county election, shall compile, certify, and release the election results by district and precinct after the expiration of the time for bringing an election contest. The certification shall be based on a comparison and reconciliation of the following:

- (1) The results of the canvass of ballots conducted pursuant to chapter 16;
- (2) The audit of records and resultant overage and underage report;
- (3) The audit results of the manual audit team;
- (4) The results of any mandatory recount of votes conducted pursuant to section 11-158; and
- (5) All logs, tally sheets, and other documents generated during the election and in the canvass of the election results.

A certificate of election or a certificate of results declaring the results of the election as of election day shall be issued pursuant to section 11-156; provided that in the event of an overage or underage, a list of all precincts in which an overage or underage occurred shall be attached to the certificate. The ~~[number of]~~ candidates to be elected ~~[receiving the highest number of]~~ who receive the most votes in any election district shall be declared to be elected~~[-]; provided that candidates for offices elected by ranked-choice voting shall be declared to be elected pursuant to section 11-~~. Unless otherwise provided, the term of office shall begin or end as of the close of voter service centers on election day. The position on the question receiving the appropriate majority of the votes cast shall be reflected in a certificate of results issued pursuant to section 11-156.”

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 9. This Act shall take effect on January 1, 2023.
(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 48

S.B. NO. 2163

A Bill for an Act Relating to Negligent Homicide.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that impairment by drugs and alcohol is a factor in many traffic fatalities in Hawaii. Those killed in drunk driving crashes are given a death sentence. A federal study reviewing data over a three year period found drivers convicted of driving under the influence of alcohol are at least 1.8 times more likely to be in fatal crashes and at least four times as likely to be in fatal crashes involving high blood or breath alcohol levels compared to drivers without prior convictions. According to the National Highway Traffic Safety Administration, motor vehicle crashes that involve an alcohol-impaired driver kill twenty-eight people in the United States every day, amounting to one death every fifty-three minutes. The Centers for Disease Control and Prevention estimates the annual cost of alcohol-related crashes to be greater than forty-four billion dollars. The legislature further finds that existing penalties need to be addressed to deter drivers from repeatedly operating their vehicles under the

influence of drugs and alcohol and at increased blood or breath alcohol levels to help prevent more traffic fatalities and save lives.

The purpose of this Act is to elevate the penalty of negligent homicide in the first degree from a class B felony to a class A felony when certain conditions are met.

SECTION 2. Section 707-702.5, Hawaii Revised Statutes, is amended to read as follows:

“§707-702.5 Negligent homicide in the first degree. (1) A person commits the offense of negligent homicide in the first degree if that person causes the death of:

- (a) Another person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol; or
- (b) A vulnerable user by the operation of a vehicle in a negligent manner.

(2) ~~[Negligent homicide in the first degree is a class B felony.]~~ A person who violates subsection (1)(a) shall be guilty of a class B felony; provided that the person shall be guilty of a class A felony when the person:

- (a) Has been convicted one or more times for the offense of operating a vehicle under the influence within fifteen years of the instant offense;
- (b) Is, at the time of the instant offense, engaging in conduct that would constitute a violation of section 291E-62; or
- (c) Is a highly intoxicated driver as defined by section 291E-1.
- (3) A person who violates subsection (1)(b) shall be guilty of a class B

felony.

(4) Notwithstanding sections 706-620(2), 706-640, 706-641, 706-659, and any other law to the contrary, the sentencing court may impose a lesser sentence for a person convicted of a class A felony under this section if the court finds that strong mitigating circumstances warrant the action. Strong mitigating circumstances shall include but not be limited to the provisions of section 706-621. The court shall provide a written opinion stating its reasons for imposing the lesser sentence.

(5) For the purposes of this section, a person “has been convicted one or more times for the offense of operating a vehicle under the influence” if the person has one or more:

- (a) Convictions under section 291E-4(a), 291E-61, 291E-61.5, or 291E-64;
- (b) Convictions in any other state or federal jurisdiction for an offense that is comparable to operating or being in physical control of a vehicle while having either an unlawful alcohol concentration or an unlawful drug content in the blood or urine or while under the influence of an intoxicant or habitually operating a vehicle under the influence of an intoxicant; or
- (c) Adjudications of a minor for a law violation that, if committed by an adult, would constitute a violation of section 291E-4(a), 291E-61, or 291E-61.5,

that, at the time of the instant offense, had not been expunged by pardon, reversed, or set aside. All convictions that have been expunged by pardon, reversed, or set aside before the instant offense shall not be deemed prior convictions for the purposes of this section.”

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SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 49

S.B. NO. 2185

A Bill for an Act Relating to Fireworks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the use of illegal fireworks has substantially increased in recent years.

The purpose of this Act is to require the fireworks and articles pyrotechnic records auditor for each county to submit an annual report to the legislature detailing inventory, recordkeeping, and sales of fireworks to license or permit holders.

SECTION 2. Section 132D-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The fee for the license required under section 132D-7 shall be \$3,000 for importers, \$2,000 for each wholesaler’s site, \$1,000 for each storage site, and \$500 for each retailer’s site for each year or fraction of a year in which the licensee plans to conduct business and shall be payable to the county. The license fees shall be used solely by each county fire department to pay for the salary of an auditor of fireworks and articles pyrotechnic records and all expenses incurred to fulfill the duties required, including the inspection of inventory and storage facilities, maintenance of required records, and the training of the auditor. The auditor of fireworks and articles pyrotechnic records shall monitor strict inventory and recordkeeping requirements to ensure that sales of fireworks or articles pyrotechnic are made only to license or permit holders under this chapter. The auditor of fireworks and articles pyrotechnic records shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session detailing the inventory, recordkeeping, and sales of fireworks to license or permit holders. The county shall provide an exemption from the fees under this section to nonprofit community groups for importation and storage of fireworks or articles pyrotechnic for displays once a year.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2023.

(Approved June 17, 2022.)

ACT 50

S.B. NO. 3142

A Bill for an Act Relating to the Workers’ Compensation Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 386, Hawaii Revised Statutes, is amended by amending the title of part V, subpart C, to read as follows:

“C. PUBLIC BOARD MEMBERS, RESERVE POLICE OFFICERS, POLICE CHAPLAINS, VOLUNTEER FIREFIGHTERS, VOLUNTEER BOATING ENFORCEMENT OFFICERS, [AND] VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, AND RESERVE PUBLIC SAFETY LAW ENFORCEMENT OFFICERS”

SECTION 2. Section 386-181, Hawaii Revised Statutes, is amended to read as follows:

§386-181 Generally. (a) As used in this section:

“Police chaplain” means a member of an authorized chaplaincy program of a county police department who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Public board” means a governmental body, regardless of its designation, duly created under authority vested by law for the purposes of performing quasi-judicial, administrative, or advisory functions.

“Reserve police officer” means a member of an authorized reserve force of a county police department who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Reserve public safety law enforcement officer” means a member of the authorized volunteer law enforcement force of the department of public safety who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department of public safety.

“Sheriffs’ chaplain” means a member of an authorized chaplaincy program of the department of public safety who performs functions similar to a police chaplain in a voluntary and unpaid capacity for the sheriff division.

“Volunteer boating enforcement officer” means a member of the authorized volunteer enforcement force of the harbors division, department of transportation, who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Volunteer conservation and resources enforcement officer” means a member of the authorized volunteer enforcement force of the division of conservation and resources enforcement, department of land and natural resources, who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Volunteer firefighter” means a person who performs services for a county fire department in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

(b) If a member of a public board, a reserve police officer, a police chaplain, a reserve public safety law enforcement officer, sheriffs’ chaplain, a volunteer firefighter, a volunteer boating enforcement officer, or a volunteer conservation and resources enforcement officer is injured while performing services for the board, county police department, county fire department, department of public safety, harbors division of the department of transportation, or division of conservation and resources enforcement of the department of land and natural resources, under the conditions specified in section 386-3, the person or the person’s dependents shall be entitled to all compensation in the manner provided by this chapter and, for the purposes of this chapter, the person shall, in every case, be deemed to have earned wages for the services.

(c) In computing the average weekly wages of an injured public board member, reserve police officer, police chaplain, reserve public safety law enforcement officer, sheriffs’ chaplain, volunteer firefighter, volunteer boating enforcement officer, or volunteer conservation and resources enforcement officer:

(1) The person’s income from self-employment shall be considered wages;

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- (2) The person shall, in no event, be considered to have earned less than the minimum hourly wage prescribed in chapter 387;
- (3) Wages of other employees in comparable employment shall not be considered; and
- (4) All provisions of section 386-51 not inconsistent with this section shall apply; provided that section 386-51(5) shall not apply.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 51

H.B. NO. 1455

A Bill for an Act Relating to Robbery in the First Degree.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Hawaii Penal Code does not adequately address potential situations in which offenders will utilize electric guns to facilitate crimes. On January 1, 2022, it became legal for many members of the public to buy and possess electric guns.

Electric guns can cause severe pain and completely incapacitate a person. Criminals will begin to use these devices against others to facilitate crimes as they become more prevalent in the community. While the effect of electric guns can be severe, the incapacitation can also be momentary and may not result in death or serious bodily injury. Once the use of an electric gun against a person stops, it is likely that the residual injuries would be lesser than would occur had a similar level of incapacitation or pain been inflicted on a victim by other means.

The Penal Code frequently utilizes residual injury or incapacitation as a key determining factor for the level of severity and resulting penalty for a crime. Electric guns will allow criminals to achieve unprecedented incapacitation of a person and potentially avoid residual injury to the victim, resulting in lower penalties for the crime.

For these reasons, the legislature further finds that specifying the use or threatened use of an electric gun during the course of committing a robbery under this particular offense is necessary and may have a long-term deterrent effect that creates a safer environment for the community.

Accordingly, the purpose of this Act is to amend the offense of robbery in the first degree to include as part of this offense being armed with or using an electric gun during the course of a theft or non-consensual taking of a motor vehicle.

SECTION 2. Section 708-840, Hawaii Revised Statutes, is amended by amending subsections (1) and (2) to read as follows:

“(1) A person commits the offense of robbery in the first degree if, in the course of committing theft or non-consensual taking of a motor vehicle:

- (a) The person attempts to kill another or intentionally or knowingly inflicts or attempts to inflict serious bodily injury upon another;
- (b) The person is armed with a dangerous instrument, an electric gun, or a simulated firearm and:

- (i) The person uses force against the person of anyone present with intent to overcome that person's physical resistance or physical power of resistance; or
- (ii) The person threatens the imminent use of force against the person of anyone present with intent to compel acquiescence to the taking of or escaping with the property;
- (c) The person uses force against the person of anyone present with the intent to overcome that person's physical resistance or physical power of resistance during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster; or
- (d) The person threatens the imminent use of force against the person of anyone present with intent to compel acquiescence to the taking of or escaping with the property during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster.

(2) As used in this section:

“Dangerous instrument” means any firearm, whether loaded or not, and whether operable or not, or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.

“Electric gun” shall have the same meaning as in section 134-81.

“Simulated firearm” means any object that:

- (a) Substantially resembles a firearm;
- (b) Can reasonably be perceived to be a firearm; or
- (c) Is used or brandished as a firearm.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 52

H.B. NO. 1456

A Bill for an Act Relating to Theft in the Second Degree.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State's Penal Code does not adequately address the potential for theft of electric guns. On January 1, 2022, it became legal for many members of the public to buy and possess electric guns.

Electric guns can cause severe pain and completely incapacitate a person. Criminals will begin to seek out these devices to utilize in the facilitation of crimes. This is because, while the effect of electric guns on a victim can be severe, the incapacitation caused will likely be temporary and is less likely to result in death or serious bodily injury. Furthermore, the residual injuries for a victim

would be lesser than would occur had a similar level of incapacitation or pain been inflicted by means other than an electric gun.

Electric guns may be used to facilitate a multitude of crimes, including but not limited to robberies, assaults, sexual assaults, human trafficking, and domestic violence.

For these reasons, the legislature further finds that specifying that the theft of an electric gun, regardless of its value, is a higher degree of theft, which may have a long-term deterrent effect, creating a safer environment for the community.

Accordingly, the purpose of this Act is to amend the offense of theft in the second degree to include theft of an electric gun regardless of its monetary value.

SECTION 2. Section 708-831, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of theft in the second degree if the person commits theft of:

- (a) Property from the person of another;
- (b) Property or services the value of which exceeds \$750;
- (c) An aquacultural product or part thereof from premises that are fenced or enclosed in a manner designed to exclude intruders or there is prominently displayed on the premises a sign or signs sufficient to give notice and reading as follows: “Private Property”, “No Trespassing”, or a substantially similar message;
- (d) Agricultural equipment, supplies, or products, or part thereof, the value of which exceeds \$100 but does not exceed \$20,000, or of agricultural products that exceed twenty-five pounds, from premises that are fenced, enclosed, or secured in a manner designed to exclude intruders or where there is prominently displayed on the premises a sign or signs sufficient to give notice and reading as follows: “Private Property”, “No Trespassing”, or a substantially similar message; or if at the point of entry of the ~~[premise;]~~ premises, a crop is visible. The sign or signs, containing letters no less than two inches in height, shall be placed along the boundary line of the land in a manner and in such a position as to be clearly noticeable from outside the boundary line. Possession of agricultural products without ownership and movement certificates, when a certificate is required pursuant to chapter 145, is prima facie evidence that the products are or have been stolen;
- (e) Agricultural commodities that are generally known to be marketed for commercial purposes. Possession of agricultural commodities without ownership and movement certificates, when a certificate is required pursuant to section 145-22, is prima facie evidence that the products are or have been stolen; provided that “agricultural commodities” has the same meaning as in section 145-21;
- (f) Property commonly used to store items of monetary value, including but not limited to any purse, handbag, or wallet; ~~or~~
- ~~[(g)]~~ Property or services, the value of which exceeds \$250, from a person who is sixty years of age or older and the age of the property owner is known or reasonably should be known to the person who commits theft~~[-];~~ or

(h) An electric gun as defined in section 134-81.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on August 1, 2022.

(Approved June 17, 2022.)

ACT 53

H.B. NO. 1469

A Bill for an Act Relating to Unauthorized Control of a Propelled Vehicle.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Notwithstanding section 706-669 and any other law to the contrary, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies:

- (a) Section 134-7 relating to persons prohibited from owning, possessing, or controlling firearms or ammunition;
- (b) Section 134-8 relating to ownership, etc., of certain prohibited weapons;
- (c) Section 134-17 only as it relates to providing false information or evidence to obtain a permit under section 134-9;
- (d) Section 188-23 relating to possession or use of explosives, electro-fishing devices, and poisonous substances in state waters;
- (e) Section 386-98(d)(1) relating to fraud violations and penalties;
- (f) Section 431:2-403(b)(2) relating to insurance fraud;
- (g) Section 707-703 relating to negligent homicide in the second degree;
- (h) Section 707-711 relating to assault in the second degree;
- (i) Section 707-713 relating to reckless endangering in the first degree;
- (j) Section 707-716 relating to terroristic threatening in the first degree;
- (k) Section 707-721 relating to unlawful imprisonment in the first degree;
- (l) Section 707-732 relating to sexual assault in the third degree;
- (m) Section 707-752 relating to promoting child abuse in the third degree;
- (n) Section 707-757 relating to electronic enticement of a child in the second degree;
- (o) Section 707-766 relating to extortion in the second degree;
- (p) Section 708-811 relating to burglary in the second degree;
- (q) Section 708-821 relating to criminal property damage in the second degree;
- (r) Section 708-831 relating to theft in the second degree;
- (s) Section 708-835.5 relating to theft of livestock;

- (t) Section 708-836 relating to unauthorized control of a propelled vehicle[;] in the first degree;
- (u) Section 708-839.55 relating to unauthorized possession of confidential personal information;
- (v) Section 708-839.8 relating to identity theft in the third degree;
- (w) Section 708-852 relating to forgery in the second degree;
- (x) Section 708-854 relating to criminal possession of a forgery device;
- (y) Section 708-875 relating to trademark counterfeiting;
- (z) Section 710-1071 relating to intimidating a witness;
- (aa) Section 711-1103 relating to riot;
- (bb) Section 712-1221 relating to promoting gambling in the first degree;
- (cc) Section 712-1224 relating to possession of gambling records in the first degree;
- (dd) Section 712-1247 relating to promoting a detrimental drug in the first degree; or
- (ee) Section 846E-9 relating to failure to comply with covered offender registration requirements,

or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B felony, or any of the class C felony offenses enumerated above and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same: murder, murder in the first or second degree, a class A felony, a class B felony, any of the class C felony offenses enumerated above, or any felony conviction of another jurisdiction, shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole as provided in subsection (2).”

SECTION 2. Section 708-836, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) It is an affirmative defense to a prosecution under this section that the defendant:

- (a) Received authorization to use the propelled vehicle from an agent of the owner where the agent had actual or apparent authority to authorize the use; [øf]
- (b) Is a lien holder or legal owner of the propelled vehicle, or an authorized agent of the lien holder or legal owner, engaged in the lawful repossession of the propelled vehicle[-]; or
- (c) Purchased the vehicle and reasonably believed oneself to be the actual owner of the vehicle.”

SECTION 3. Section 708-836.1, Hawaii Revised Statutes, is amended as follows:

1. By amending its title to read:

“[H§708-836.1] **Unauthorized control of a propelled vehicle in the second degree.**”

2. By amending subsection (2) to read:

“(2) It is an affirmative defense to a prosecution under this section that the defendant:

- (a) Received authorization to use the propelled vehicle from an agent of the owner where the agent had actual or apparent authority to authorize the use; [øf]
- (b) Is a lien holder or legal owner of the propelled vehicle, or an autho-

alized agent of the lien holder or legal owner, engaged in the lawful repossession of the propelled vehicle[-]; or

- (c) Purchased the vehicle and reasonably believed oneself to be the actual owner of the vehicle.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 54

H.B. NO. 1486

A Bill for an Act Relating to Theft.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that most motor vehicle thefts are currently prosecuted under the Hawaii Penal Code offenses of unauthorized control of a propelled vehicle or theft in the second degree, for property the value of which exceeds \$750. Both of these offenses are class C felonies, with a maximum penalty of up to \$10,000 and five years of imprisonment.

The legislature further finds that the public’s growing concerns over motor vehicle theft have led to a desire for stiffer penalties. Including theft of a motor vehicle under theft in the first degree will elevate the offense to a class B felony, with a maximum penalty of up to \$25,000 and ten years of imprisonment.

The purpose of this Act is to add theft of a motor vehicle or motorcycle to the offense of theft in the first degree.

SECTION 2. Section 708-830.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of theft in the first degree if the person commits theft of:

- (a) Property or services, the value of which exceeds \$20,000;
- (b) A firearm;
- (c) Dynamite or other explosive;
- (d) Property or services during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster under chapter 127A, the value of which exceeds \$300;
- (e) Property from the person of another who is sixty years of age or older and the age of the property owner is known or reasonably should be known to the person who commits theft; [øø]
- (f) Property or services, the value of which exceeds \$750, from a person who is sixty years of age or older and the age of the property owner is known or reasonably should be known to the person who commits theft[-]; or

(g) A motor vehicle or motorcycle as defined in section 291C-1.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 55

S.B. NO. 3243

A Bill for an Act Relating to Economic Development.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 206M-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Economic zone” means a tract of real property determined by the board as being suitable for use as building sites for projects by one or more industrial, processing, production, or manufacturing enterprises engaged in technology, including but not limited to high technology support facilities, such as greenhouses and manufacturing, value-added, processing, and packaging facilities; research; training; technical analyses; software development; pilot plant; energy development; or prototype product development. “Economic zone” includes the installation of improvements to the tract incidental to the use of real property as an economic zone, such as water, sewer, sewage and waste disposal, and drainage facilities, sufficient to adequately service projects in the economic zone, and the provision of incidental transportation facilities, power distribution facilities, and communication facilities. “Economic zone” does not include any buildings or structures of any kind except for buildings or structures incidental to improvements to the economic zone.”

2. By repealing the definition of “industrial park”.
[~~““Industrial park” means a tract of real property determined by the board as being suitable for use as building sites for projects by one or more industrial, processing, or manufacturing enterprises engaged in technology, including research, training, technical analyses, software development, and pilot plant or prototype product development, and may include the installation of improvements to the tract incidental to the use of real property as an industrial park, such as water, sewer, sewage and waste disposal, and drainage facilities, sufficient to adequately service projects in the industrial park, and provision of incidental transportation facilities, power distribution facilities, and communication facilities. Industrial parks shall not include any buildings or structures of any kind except for buildings or structures incidental to improvements to the industrial park.”~~]

SECTION 2. Chapter 206M, Hawaii Revised Statutes, is amended by substituting the words “economic zone”, or similar term, wherever the words “industrial park”, or similar term, appear, as the context requires.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 56

H.B. NO. 1619

A Bill for an Act Relating to Peer-to-Peer Car-Sharing Insurance Requirements.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that peer-to-peer car-sharing programs, which are not rental car businesses, do not have established requirements for insurance coverage. These agreement-based car-sharing programs must ensure that cars in their programs are properly insured specifically for peer-to-peer car-sharing purposes.

The legislature further finds that it is in the public's interest to establish requirements for peer-to-peer car-sharing programs regarding mandatory insurance coverage.

Accordingly, the purpose of this Act is to establish mandatory insurance terms for peer-to-peer car-sharing programs.

SECTION 2. Chapter 431, article 10C, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . PEER-TO-PEER CAR-SHARING INSURANCE

§431:10C-A Definitions. As used in this chapter:

“Car-sharing delivery period” means the period of time during which a shared car is being delivered to the location of the car-sharing start time, if applicable, as documented by the governing car-sharing program agreement.

“Car-sharing period” means the period of time that commences with the car-sharing delivery period or, if there is no delivery period, that commences with the car-sharing start time and, in either case, ends at the car-sharing termination time.

“Car-sharing program agreement” means the terms and conditions applicable to a shared car owner, a shared car driver, and a peer-to-peer car-sharing platform, if applicable, that govern the use of a shared car through a peer-to-peer car-sharing program. “Car-sharing program agreement” does not include a rental agreement as defined in section 437D-3.

“Car-sharing start time” means the time the shared car driver obtains operation, use, or control of a shared car through a peer-to-peer car-sharing program.

“Car-sharing termination time” means the latest of the following events:

- (1) The expiration of the agreed upon period of time established for the use of a shared car according to the terms of the car-sharing program agreement if the shared car is delivered to the location agreed upon in the car-sharing program agreement;
- (2) When the shared car is returned to a location as alternatively agreed upon by the shared car owner and shared car driver as communicated through a peer-to-peer car-sharing program;

- (3) When a shared car is returned to the location agreed upon in the car-sharing program agreement or alternatively agreed upon by the shared car owner and the shared car driver, as communicated through a peer-to-peer car-sharing program, before the expiration of the period of time established for the use of a shared car according to the terms of the car-sharing program agreement, and the shared car driver notifies the peer-to-peer car-sharing program of the location of the shared car;
- (4) When a shared car, during the car-sharing period, cannot safely or legally be operated and the shared car driver notifies the peer-to-peer car-sharing program that the shared car is inoperable and identifies the location of the shared car;
- (5) When the shared car owner receives notice of a safety recall affecting the shared car and the shared car driver returns the shared car to the location agreed upon in the car-sharing program agreement, or alternatively agreed upon by the shared car owner and the shared car driver, and the shared car driver notifies the peer-to-peer car-sharing program of the location of the shared car; or
- (6) When the shared car owner or the shared car owner's authorized designee takes possession and control of the shared car.

“Peer-to-peer car-sharing” means the operation, use, or control of a motor vehicle by an individual other than the motor vehicle’s owner through a peer-to-peer car-sharing program. “Peer-to-peer car-sharing”, for the purposes of assessing a vehicle surcharge tax, does not mean the business of providing rental motor vehicles to the public as that phrase is used in section 251-3.

“Peer-to-peer car-sharing platform” means any person or business that owns or operates a peer-to-peer car-sharing program.

“Peer-to-peer car-sharing program” means:

- (1) Any person who enables a shared car driver to identify, reserve, or use a shared car owned by a shared car owner; or
- (2) Any person who enables a shared car owner to describe, list, or make available a shared car for identification, reservation, or use by a shared car driver.

“Peer-to-peer car-sharing program” does not include:

- (1) A transportation network company as defined in section 431:10C-701;
- (2) A car-sharing organization as defined in section 251-1;
- (3) Any person registered and acting as a travel agency pursuant to chapter 468L; or
- (4) Any person registered and acting as an activity desk pursuant to chapter 468M.

“Shared car” means a motor vehicle that is registered pursuant to chapter 286 and is not owned; controlled; operated; maintained; or managed by or registered, directly or indirectly through an affiliate, to the peer-to-peer car-sharing program; and is available for sharing through a peer-to-peer car-sharing program. “Shared car” does not include a rental motor vehicle or vehicle as those terms are defined in section 437D-3.

“Shared car driver” means an individual who has been authorized to drive the shared car by the shared car owner under a car-sharing program agreement. “Shared car driver” does not include a lessee as defined in section 437D-3.

“Shared car owner” means the registered owner of a shared car. “Shared car owner” does not include a lessor as defined in section 437D-3.

§431:10C-B Insurance coverage during car-sharing period. (a) A peer-to-peer car-sharing program shall ensure that during each car-sharing period,

the shared car shall be insured under a motor vehicle insurance policy that shall provide:

- (1) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program in amounts not less than \$750,000 for death, bodily injury, and property damage per accident, and costs of defense outside the limits;
 - (2) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program for personal injury protection coverage that meets the minimum coverage amounts required by section 431:10C-103.5; and
 - (3) The following optional coverages, which any named insured may elect to reject or purchase, that provides primary coverage for each shared car available and used through a peer-to-peer car-sharing program:
 - (A) Uninsured and underinsured motorist coverages as provided in section 431:10C-301, which shall be equal to the primary liability limits specified in this section; provided that uninsured and underinsured motorist coverage offers shall provide for written rejection of the coverages as provided in section 431:10C-301;
 - (B) Uninsured and underinsured motorist coverage stacking options as provided in section 431:10C-301; provided that the offer of the stacking options shall provide for written rejection as provided in section 431:10C-301;
 - (C) An offer of required optional additional insurance coverages as provided in section 431:10C-302; and
 - (D) In the event the only named insured under the motor vehicle insurance policy issued pursuant to this section is the peer-to-peer car-sharing program, the insurer or the peer-to-peer car-sharing program shall:
 - (i) Disclose the coverages in writing to the peer-to-peer car-sharing driver;
 - (ii) Disclose to the peer-to-peer car-sharing driver in writing that all optional coverages available may not have been purchased under sections 431:10C-301 and 431:10C-302; and
 - (iii) Obtain a written acknowledgement from the peer-to-peer car-sharing driver of receipt of the written disclosures required in paragraphs (1) and (2). The standard disclosure forms used in paragraphs (1) and (2), and every modification of such forms intended to be used, shall be filed with the commissioner within fifteen days of providing such disclosure to the peer-to-peer car-sharing driver. The insurer or the peer-to-peer car-sharing program shall also send to the peer-to-peer car-sharing driver every modified disclosure form within fifteen days of the filing of such modified disclosure form and comply with paragraph (3). Such disclosures and acknowledgement may be sent and received by electronic means.
- (b) If insurance maintained by a shared car owner or shared car driver in accordance with subsection (a) has lapsed, contains an exclusion for peer-to-peer car-sharing, or does not provide the required coverage, insurance maintained by a peer-to-peer car-sharing program shall provide the coverage required

by subsection (a) beginning with the first dollar of a claim and shall have the duty to defend the claim.

(c) Coverage under a motor vehicle insurance policy maintained by the peer-to-peer car-sharing program shall not be dependent on another motor vehicle insurer first denying a claim.

§431:10C-C Exclusions in motor vehicle insurance policies. (a) Notwithstanding section 431:10C-B, an authorized insurer that writes motor vehicle insurance in the State may exclude any and all coverage and the duty to defend or indemnify any claim afforded under a shared car owner's motor vehicle insurance policy during the car-sharing period, including:

- (1) Liability coverage for bodily injury and property damage;
- (2) Personal injury protection coverage as set forth in section 431:10C-304;
- (3) Uninsured and underinsured motorist coverage;
- (4) Medical payments coverage;
- (5) Comprehensive physical damage coverage; and
- (6) Collision physical damage coverage.

(b) Except as required under section 431:10C-B, nothing in this part shall invalidate or limit an exclusion contained in a motor vehicle insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire.

§431:10C-D Recordkeeping; use of vehicle in peer-to-peer car-sharing. A peer-to-peer car-sharing program shall collect and verify records pertaining to the use of a shared car for each car-sharing program agreement, including:

- (1) Dates and times of the car-sharing start time and the car-sharing termination time in the car-sharing program agreement;
- (2) Dates and times of the car-sharing start time and car-sharing termination time;
- (3) Itemized descriptions and amounts of all fees and costs charged to the shared car driver;
- (4) Itemized descriptions and amounts of all fees and costs paid by the shared car driver;
- (5) Itemized descriptions and amounts of all fees and costs paid to the shared car owner;
- (6) The name and contact information of the shared car owner and the shared car driver; and
- (7) The insurance policy number, effective date, coverage, and coverage amounts of each insurance policy that identifies the peer-to-peer car-sharing program, shared car owner, or shared car driver as the insured.

The peer-to-peer car-sharing program shall retain the records for a time period of not less than six years. Upon request, the peer-to-peer car-sharing program shall provide the information required by this section and any information relating to the peer-to-peer car-sharing agreement in its possession and control to the shared car owner, shared car owner's insurer, shared car driver, shared car driver's insurer, persons who have sustained injury or property damage involving a shared car, and police and other governmental entities to facilitate accident or claim coverage investigation.

§431:10C-E Right of recovery from peer-to-peer car-sharing program or its motor vehicle insurer. (a) A motor vehicle insurer that defends or indemnifies a liability claim against a shared car owner or shared car driver that is excluded under the terms of the shared car owner's or shared car driver's policy shall have

a right to seek to recover from the peer-to-peer car-sharing program or its motor vehicle insurer if the liability claim is made against the shared car owner or shared car driver for injury or damage that occurs during the car-sharing period.

(b) A motor vehicle insurer that pays personal injury protection benefits for injury sustained by an occupant of, or by a pedestrian when struck by, a shared car when the obligation to pay personal injury protection benefits is excluded under the shared car owner's or shared car driver's policy shall have the right to seek to recover from the peer-to-peer car-sharing program or its motor vehicle insurer if the injury occurs during the car-sharing period.

(c) A motor vehicle insurer that pays uninsured motorist benefits or underinsured motorist benefits for injury sustained by an occupant of a shared car when the obligation to pay uninsured motorist benefits or underinsured motorist benefits is excluded under the shared car owner's or shared car driver's policy shall have the right to seek to recover from the peer-to-peer car-sharing program or its motor vehicle insurer if the injury occurs during the car-sharing period.

(d) A motor vehicle insurer that pays a shared car owner for loss or damage to a shared car that is excluded under the comprehensive physical damage coverage or collision physical damage coverage of the shared car owner's or shared car driver's policy shall have the right to seek to recover from the peer-to-peer car-sharing program or its motor vehicle insurer if the loss or damage to the shared car occurs during the car-sharing period.

§431:10C-F Insurable interest. (a) Notwithstanding any law to the contrary, a peer-to-peer car-sharing program shall have an insurable interest in a shared car during the car-sharing period.

(b) In addition to the insurance coverage mandated by section 431:10C-B, a peer-to-peer car-sharing program may own and maintain as the named insured one or more policies of motor vehicle insurance that provides coverage for:

- (1) Liabilities assumed by the peer-to-peer car-sharing program under a car-sharing program agreement;
- (2) Any liability of the shared car owner; or
- (3) Damage or loss to the shared car or any liability of the shared car driver.

§431:10C-G Required disclosures and notices. For each shared car participating in a car-sharing program agreement, a peer-to-peer car-sharing program shall:

- (1) Before the execution of a car-sharing program agreement, provide the shared car owner and shared car driver with the terms and conditions of the car-sharing program agreement;
- (2) Before the execution of a car-sharing program agreement, disclose to the shared car driver, all costs or fees that are charged to the shared car driver under the car-sharing program agreement, including all costs or fees for mandatory insurance coverage charged by the peer-to-peer car-sharing program;
- (3) Before the execution of a car-sharing program agreement, disclose to the shared car owner, all costs or fees that are charged to the shared car owner under the car-sharing program agreement, including fees or costs for mandatory insurance coverage charged by the peer-to-peer car-sharing program;
- (4) Provide a twenty-four hour emergency telephone number for a person capable of facilitating roadside assistance for the shared car driver;
- (5) Disclose any right of the peer-to-peer car-sharing program to seek indemnification from the shared car owner or shared car driver for

economic loss sustained by the peer-to-peer car-sharing program caused by a breach of the car-sharing program agreement; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure before execution of a car-sharing program agreement;

- (6) Disclose that a motor vehicle insurance policy issued to the shared car owner for the shared car or to the shared car driver may not provide a defense or indemnification for any claim asserted by the peer-to-peer car-sharing program; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure before execution of a car-sharing program agreement;
- (7) Disclose that the peer-to-peer car-sharing program's insurance coverage of the shared car owner and shared car driver is in effect only during each car-sharing period and that the shared car may not have insurance coverage for use of the shared car by the shared car driver after the car-sharing termination time; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure before the execution of a car-sharing program agreement;
- (8) Disclose any insurance or protection package costs that are charged to the shared car owner or shared car driver; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure before the execution of a car-sharing program agreement;
- (9) Disclose to the shared car driver any conditions in which the shared car driver is required to maintain a motor vehicle insurance policy as the primary coverage for the shared car; and
- (10) Disclose that a shared car owner shall be permitted to obtain insurance that provides coverage for loss of use of a shared car."

SECTION 3. The insurance commissioner shall submit a report on the progress in the implementation of this part, including but not limited to the number of complaints and the nature of the complaints and the effect of the coverage limits on victims involved in motor vehicle accidents with peer-to-peer vehicles, to the legislature no later than twenty days prior to the convening of the regular session of 2025.

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. This Act shall take effect on January 1, 2023, and shall be repealed on June 30, 2025.

(Approved June 17, 2022.)

A Bill for an Act Relating to Transportation Network Companies.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that statewide regulation of transportation network companies is needed to ensure the safety, reliability, and cost-effectiveness of rides provided by transportation network company drivers, as well as to preserve and enhance access to important transportation options for residents and visitors of the State.

The purpose of this part is to enact statewide regulation of transportation network companies to provide operational consistency across the State and establish a permitting process within the department of transportation.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER TRANSPORTATION NETWORK COMPANIES

§ -1 **Definitions.** As used in this chapter:

“Department” means the department of transportation.

“Digital network” means any online-enabled technology application service, website, or system offered or utilized by a transportation network company that enables prearranged rides with transportation network company drivers.

“Director” means the director of transportation.

“Prearranged ride” has the same meaning as defined in section 431:10C-701.

“Transportation network company” has the same meaning as defined in section 431:10C-701.

“Transportation network company driver” has the same meaning as defined in section 431:10C-701.

“Transportation network company rider” or “rider” means a person who uses a transportation network company’s digital network to connect with a transportation network company driver who provides prearranged rides to the rider in a transportation network company vehicle between destination points chosen by the rider.

“Transportation network company vehicle” means a vehicle that is:

- (1) Manufactured with seating accommodations for eight or fewer passengers;
- (2) Not a semitrailer, tractor-semitrailer combination, truck, or truck-tractor, as those terms are defined in section 286-2;
- (3) Used by a transportation network company driver to provide a prearranged ride;
- (4) Owned, leased, or otherwise authorized for use by the transportation network company driver; and
- (5) Not operating as a taxicab, limousine, or other for-hire vehicle.

§ -2 **Relation to other laws; commercial vehicle; for-hire vehicle; registration; exemption.** Neither a transportation network company nor transportation network company driver shall be considered a motor carrier under chapter 271. No transportation network company driver shall be required to register a transportation network company vehicle as a commercial or for-hire vehicle.

§ -3 Transportation network company; permit required. (a) No person shall operate a transportation network company in the State without first having obtained a permit from the director. The application shall be in a form and content as prescribed by the director; provided that any transportation network company operating in the State before the effective date of this chapter may continue operating until the director has established a permitting process for existing transportation companies and sets a permitting deadline.

(b) The director shall issue a permit to each applicant that satisfies the requirements for a transportation network company as set forth by the director and shall collect an annual permit fee of up to \$25,000 from the applicant prior to the issuance of a permit. The fees collected pursuant to this subsection shall be deposited into the state highway fund established by section 248-8.

§ -4 Fare transparency. A transportation network company's fare structure shall be transparent and visible to a rider before the rider confirms a ride. To satisfy the requirements of this section, a transportation network company shall clearly display:

- (1) The fare for the prearranged ride;
- (2) The option to receive an estimated fare for the prearranged ride; or
- (3) The basis and rate on which the fare is to be calculated, and any additional fees or charges that may apply.

§ -5 Agent for service of process. Any transportation network company operating in the State shall maintain an agent for service of process in the State.

§ -6 Identification of transportation network company drivers and transportation network company vehicles. During a prearranged ride, a transportation network company's digital network shall display a picture of the transportation network company driver and the license plate number of the transportation network company vehicle.

§ -7 Electronic receipt. Following the completion of a prearranged ride, the transportation network company shall transmit an electronic receipt on behalf of the transportation network company driver that includes the following information:

- (1) The origin and destination or destinations of the prearranged ride;
- (2) The total time and distance of the prearranged ride; and
- (3) The total fare paid.

§ -8 Disclosure; limitations; insurance requirements. The requirements of section 431:10C-703 shall apply to transportation network companies and transportation network company drivers.

§ -9 Transportation network company driver requirements. (a) Prior to allowing an individual to act as a transportation network company driver and accepting a request for a prearranged ride through a transportation network company's digital network:

- (1) The individual shall submit an application to the transportation network company that includes the following information:
 - (A) The individual's address;
 - (B) The individual's age;
 - (C) A copy of the individual's valid driver's license;
 - (D) A copy of the applicable motor vehicle registration;
 - (E) A copy of the applicable motor vehicle insurance; and
 - (F) Any other information deemed necessary by the transportation network company;

- (2) The transportation network company shall conduct national and local criminal background checks for each applicant and each driver on an annual basis. The criminal background check shall include a review of:
 - (A) A multi-state and multi-jurisdictional criminal records locator or other similar commercial nationwide database with validation (primary source search); and
 - (B) The United States Department of Justice National Sex Offender Public Website; and
- (3) The transportation network company shall obtain and review, or have a third-party entity obtain and review, a driving history research report of the individual.
- (b) The transportation network company shall not permit an individual to act as a transportation network company driver on its digital network who:
 - (1) Has more than three moving violations within the prior three years, or one of the following major violations in the prior three years:
 - (A) Driving on a suspended or revoked license;
 - (B) Reckless driving of vehicle;
 - (C) Resisting an order to stop a motor vehicle in the first or second degree; or
 - (D) Resisting arrest;
 - (2) Within the prior seven years has been:
 - (A) Convicted of any felony; or
 - (B) Convicted of any misdemeanor relating to driving, acts of violence, or sexual offenses;
 - (3) Is registered on the United States Department of Justice National Sex Offender Public Website or any publicly accessible state sex offender registry;
 - (4) Does not possess a valid driver's license;
 - (5) Does not possess proof of a current and valid registration for the motor vehicle used to provide prearranged rides;
 - (6) Does not possess proof of valid motor vehicle insurance for the transportation network company vehicle; or
 - (7) Is not at least nineteen years of age.

§ -10 Non-discrimination; accessibility. (a) The transportation network company shall adopt a policy of non-discrimination on the basis of destination, race, color, ancestry, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity or expression with respect to riders and potential riders and shall notify transportation network company drivers of the policy.

(b) In addition to any policy established pursuant to subsection (a), transportation network company drivers shall comply with all applicable laws regarding non-discrimination against riders or potential riders on the basis of destination, race, color, ancestry, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity or expression.

(c) Transportation network company drivers shall comply with all applicable laws to accommodate service animals. For purposes of this subsection, "service animal" has the same meaning as defined in section 347-2.5.

(d) A transportation network company shall not impose additional charges for providing services to persons with physical disabilities.

§ -11 Audit procedures; complaint investigation; confidentiality of records. (a) No more than annually, the department shall have the right to visually inspect a sample of records maintained by a transportation network

company for the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter. The sample shall be chosen randomly by the department in a manner agreeable to both parties. The audit shall take place at a mutually agreed upon location in the State. Any record furnished to the department shall exclude information that could lead to the identification of specific transportation network company drivers or riders.

(b) In response to a specific complaint against any transportation network company driver or transportation network company, the department shall be authorized to inspect records held by the transportation network company that are necessary to investigate and resolve the complaint. The department and transportation network company shall conduct the inspection at a mutually agreed upon location in the State. Any record furnished to the department shall exclude information that could lead to the identification of specific transportation network company drivers or riders, unless the identity of a transportation network company driver or rider is relevant to the complaint.

(c) Any records inspected by the department under this section shall be confidential, shall not be subject to disclosure to a third party by the department without prior written consent of the transportation network company, and shall be exempt from disclosure under chapter 92F. Nothing in this section shall be construed as limiting the applicability of any other exemptions under chapter 92F.

§ -12 Uniform statewide regulation. (a) This chapter shall apply uniformly throughout the State and to all political subdivisions of the State.

(b) This chapter shall supersede any ordinance or other regulation adopted by a political subdivision that specifically governs transportation network companies, transportation network company drivers, or transportation network company vehicles, including those adopted before the effective date of this chapter.

§ -13 Rules. The department may adopt rules pursuant to chapter 91 necessary for the purposes of this chapter.”

PART II

SECTION 3. The legislature finds that Act 236, Session Laws of Hawaii 2016 (Act 236), was enacted to close the insurance gaps associated with transportation network companies by establishing motor vehicle insurance requirements for transportation network companies and transportation network company drivers. Act 236 was scheduled to repeal on September 1, 2021. Act 132, Session Laws of Hawaii 2021 (Act 132), extended the repeal date to September 1, 2023.

Accordingly, the purpose of this part is to repeal the sunset date of Act 236, as amended by Act 132, and make permanent the motor vehicle insurance requirements for transportation network companies and transportation network company drivers.

SECTION 4. Act 236, Session Laws of Hawaii 2016, section 6, as amended by section 2 of Act 132, Session Laws of Hawaii 2021, is amended to read as follows:

“SECTION 6. This Act shall take effect upon its approval; provided that section 2 of this Act shall take effect on September 1, 2016[; provided further that this Act shall be repealed on September 1, 2023].”

PART III

SECTION 5. Statutory material to be repealed is bracketed and stricken.

SECTION 6. This Act shall take effect on January 1, 2023.

(Approved June 17, 2022.)

ACT 58

H.B. NO. 2111

A Bill for an Act Relating to Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to amend various portions of title 24 of the Hawaii Revised Statutes, to update and improve existing provisions and promote consumer protection, including:

- (1) Adding the National Association of Insurance Commissioners Travel Insurance Model Law definition of “travel insurance” and removing outdated and obsolete limited lines products for travel insurance vending machines or selling certain policies as a promotional device to improve newspaper circulation;
- (2) Amending the regulation of third party administrators by excluding dental insurers and dental service corporations and adding audited financial statements as part of required annual report filings; and
- (3) Adopting the revised National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation, which requires producers to act in the best interest of the consumer when making a recommendation of an annuity and requires insurers to establish and maintain a system to supervise recommendations.

SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding four new sections to part VII of article 10D to be appropriately designated and to read as follows:

“§431:10D-A Care obligation of insurers and producers. (a) The producer, in making a recommendation, shall exercise reasonable diligence, care, and skill to:

- (1) Know the consumer’s financial situation, insurance needs, and financial objectives;
 - (2) Understand the available recommendation options after making a reasonable inquiry into options available to the producer;
 - (3) Have a reasonable basis to believe the recommended option effectively addresses the consumer’s financial situation, insurance needs, and financial objectives over the life of the product, as evaluated in light of the consumer profile information; and
 - (4) Communicate the basis or bases of the recommendation.
- (b) To fulfill the obligation under subsection (a), a producer shall:
- (1) Make reasonable efforts to obtain consumer profile information from the consumer prior to the recommendation of an annuity;
 - (2) Consider the types of products the producer is authorized and licensed to recommend or sell that address the consumer’s financial situation, insurance needs, and financial objectives; provided that

this paragraph shall not require analysis or consideration of any products outside the authority and license of the producer or other possible alternative products or strategies available in the market at the time of the recommendation. Producers shall be held to standards applicable to producers with similar authority and licensure; and

- (3) Have a reasonable basis to believe that the consumer would benefit from certain features of the annuity, such as annuitization, death, or living benefit, or other insurance-related features.

(c) This section shall not be construed to create a fiduciary obligation or relationship and shall only create a regulatory obligation as established in this part.

(d) The consumer profile information, characteristics of the insurer, and product costs, rates, benefits, and features shall be those factors generally relevant in making a determination whether an annuity effectively addresses the consumer's financial situation, insurance needs, and financial objectives; provided that the level of importance of each factor may vary depending on the facts and circumstances of a particular case; provided further that each factor shall not be considered in isolation.

(e) A producer's obligation under subsection (a):

- (1) Shall apply to the particular annuity as a whole and the underlying subaccounts to which funds are allocated at the time of purchase or exchange of an annuity, and riders and similar producer enhancements, if any;
- (2) Shall not be construed to mean the annuity with the lowest one-time or multiple occurrence compensation structure shall necessarily be recommended; and
- (3) Shall not be construed to mean the producer has ongoing monitoring obligations under this section; provided that an obligation may be separately owed under the terms of a fiduciary, consulting, investment advising, or financial planning agreement between the consumer and the producer.

(f) In the case of an exchange or replacement of an annuity, the producer shall consider the whole transaction, including taking into consideration whether:

- (1) The consumer will incur a surrender charge; be subject to the commencement of a new surrender period; lose existing benefits, such as death, living, or other contractual benefits; or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;
- (2) The replacing product would substantially benefit the consumer in comparison to the replaced product over the life of the product; and
- (3) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding sixty months.

(g) Nothing in this part shall be construed to require a producer to obtain any license other than a producer license with the appropriate line of authority to sell, solicit, or negotiate insurance in this State, including but not limited to any securities license to fulfill the duties and obligations contained in this part; provided that the producer shall not give advice or provide services that are otherwise subject to securities laws or engage in any other activity requiring other professional licenses.

§431:10D-B Disclosure obligation of insurers and producers. (a) Before the recommendation or sale of an annuity, the producer shall prominently

disclose to the consumer on a form substantially similar to Appendix A of the Spring 2020, National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation:

- (1) A description of the scope and terms of the relationship with the consumer and the role of the producer in the transaction;
 - (2) An affirmative statement on whether the producer is licensed and authorized to sell the following products:
 - (A) Fixed annuities;
 - (B) Fixed indexed annuities;
 - (C) Variable annuities;
 - (D) Life insurance;
 - (E) Mutual funds;
 - (F) Stocks and bonds; and
 - (G) Certificates of deposit;
 - (3) An affirmative statement describing the insurers for whom the producer is authorized, contracted, appointed, or otherwise able to sell insurance products, using the following descriptions:
 - (A) From one insurer;
 - (B) From two or more insurers; or
 - (C) From two or more insurers, although primarily contracted with one insurer;
 - (4) A description of the sources and types of cash compensation and non-cash compensation to be received by the producer, including whether the producer is to be compensated for the sale of a recommended annuity by commission as part of premium or other remuneration received from the insurer, intermediary, or other producer or by fee as a result of a contract for advice or consulting services; and
 - (5) A notice of the consumer's right to request additional information regarding cash compensation as described in subsection (b).
- (b) Upon request of the consumer or the consumer's designated representative, the producer shall disclose:
- (1) A reasonable estimate of the amount of cash compensation to be received by the producer, which may be stated as a range of amounts or percentages; and
 - (2) Whether the cash compensation is a one-time or multiple occurrence amount, and, if a multiple occurrence amount, the frequency and amount of the occurrence, which may be stated as a range of amounts or percentages.
- (c) Before or at the time of the recommendation or sale of an annuity, the producer shall have a reasonable basis to believe the consumer has been informed of various features of the annuity, such as the potential surrender period and surrender charge; potential tax penalty if the consumer sells, exchanges, surrenders, or annuitizes the annuity; mortality and expense fees; investment advisory fees; any annual fees; potential charges for and features of riders or other options of the annuity; limitations on interest returns; potential changes in non-guaranteed elements of the annuity; insurance and investment components; and market risk.

§431:10D-C Conflicts of interest obligation of insurers and producers.

A producer shall identify and avoid or reasonably manage and disclose material conflicts of interest, including material conflicts of interest related to an ownership interest.

§431:10D-D Documentation obligation of insurers and producers. (a)

A producer shall at the time of recommendation or sale:

- (1) Make a written record of any recommendation and the basis for the recommendation subject to this part;
- (2) Obtain a consumer signed statement on a form substantially similar to Appendix B of the Spring 2020, National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation, documenting:
 - (A) A consumer’s refusal to provide the consumer profile information, if any; and
 - (B) A consumer’s understanding of the ramifications of not providing the consumer’s consumer profile information or providing insufficient consumer profile information; and
- (3) Obtain a consumer signed statement on a form substantially similar to Appendix C of the Spring 2020, National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation, acknowledging the annuity transaction is not recommended if a consumer decides to enter into an annuity transaction that is not based on the producer’s recommendation.

(b) Any requirement applicable to a producer under this part shall apply to every producer who has exercised material control or influence in the making of a recommendation and has received direct compensation as a result of the recommendation or sale, regardless of whether the producer has had any direct contact with the consumer. Activities such as providing or delivering marketing or educational materials, product wholesaling or other back office product support, and general supervision of a producer do not, in and of themselves, constitute material control or influence.”

SECTION 3. Section 431:9A-107.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other provision of this article, the commissioner may issue:

- ~~(1) A limited license to persons selling travel tickets of a common carrier of persons or property who shall act only as to travel ticket policies of accident and health or sickness insurance or baggage insurance on personal effects;~~
- ~~(2) A limited license to each individual who has charge of vending machines used in this State for the effectuation of travel insurance;~~
- ~~(3) A limited license to any individual who sells policies of accident and health or sickness insurance as a promotional device to improve the circulation of a newspaper in this State;]~~
- (1) A limited license to persons selling travel insurance. For purposes of this paragraph, “travel insurance” means insurance coverage for personal risks incident to planned travel, including:
 - (A) Interruption or cancellation of trip or event;
 - (B) Loss of baggage or personal effects;
 - (C) Damages to accommodations or rental vehicles;
 - (D) Sickness, accident, disability, or death occurring during travel;
 - (E) Emergency evacuation;
 - (F) Repatriation of remains; or
 - (G) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner.

“Travel insurance” does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting longer than six months, including those working or residing overseas as an expatriate, or any other insurance product that requires a specific insurance producer license;

- [4] (2) A limited line credit insurance producer license to any individual who sells, solicits, or negotiates limited line credit insurance; or
- [5] (3) A limited license to any owner of a self-service storage facility, as defined in section 507-61, to sell stored property insurance, as defined in section 431:9A-171.”

SECTION 4. Section 431:9J-101, Hawaii Revised Statutes, is amended by amending the definition of “administrator” or “third party administrator” to read as follows:

““Administrator” or “third party administrator” means a person who collects charges or premiums from, or who adjusts or settles claims on, residents of this State in connection with self-insurance, stop-loss, or life insurance coverage, accident and health or sickness insurance coverage, or article 1 of chapter 432, except the following:

- (1) An employer on behalf of its employees or the employees of a subsidiary or an affiliated corporation of the employer;
- (2) A union on behalf of its members;
- (3) An insurer authorized to transact insurance in this State with respect to a policy lawfully issued and delivered in and pursuant to the laws of this State or another state;
- (4) A dental insurer holding a certificate of authority pursuant to chapter 432G;
- (5) A dental service corporation established under chapter 423;
- [4] (6) A producer licensed to sell life insurance coverage or accident and health or sickness insurance coverage in this State, whose activities are limited exclusively to the sale of insurance;
- [5] (7) A managing general agent licensed in this State whose activities are limited exclusively to the scope of activities conveyed under that license;
- [6] (8) An individual adjuster licensed in this State whose activities are limited exclusively to the scope of activities conveyed under that license;
- [7] (9) An individual who adjusts or settles claims in the normal course of practice or employment as an attorney at law and who does not collect charges or premiums in connection with life insurance coverage or accident and health or sickness insurance coverage;
- [8] (10) A creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;
- [9] (11) A trust established in conformity with title 29 United States Code section 186 and trustees, agents, and employees acting under that trust;
- [10] (12) A trust exempt from taxation under title 26 United States Code section 501(a) and trustees and employees acting under that trust, or a custodian and the custodian’s agents and employees acting under a custodian account that meets the requirements of title 26 United States Code section 401(f);
- [11] (13) A financial institution subject to supervision or examination by federal or state banking authorities, or a mortgage lender that

- collects and remits premiums to licensed producers or authorized insurers in connection with loan payments;
- [42] (14) A credit card issuing company advancing for and collecting premiums or charges from its credit card holders who have authorized collection; provided that the company does not adjust or settle claims; and
 - [43] (15) A person who acts solely as an administrator of one or more employee benefit plans established by an employer or an employee organization.”

SECTION 5. Section 431:9J-103, Hawaii Revised Statutes, is amended to read as follows:

“~~¶~~**§431:9J-103** **Surety bond required.** ~~[Prior to]~~ (a) Before the issuance of the administrator license, the administrator shall file with the commissioner, and maintain in force while so licensed, a surety bond of at least \$100,000, in the form and penal sum acceptable to the commissioner, and shall provide that the bond may not be canceled or otherwise terminated until two years have elapsed from the last day the applicant was an administrator, unless the commissioner has given prior written consent. The surety bond shall be undertaken and may be enforced in the name of “Commissioner of Insurance, State of Hawaii”.

(b) For each subsequent annual report filing, the surety bond amount shall be at least \$100,000 and filed in accordance with section 431:9J-112.”

SECTION 6. Section 431:9J-112, Hawaii Revised Statutes, is amended to read as follows:

“~~¶~~**§431:9J-112** **Annual report required.** (a) An administrator shall file an annual report for the preceding calendar year with the commissioner on or before March 1 of each year, in a form and manner prescribed by the commissioner.

- (b) The annual report shall include ~~[the]~~:
 - (1) The names and addresses of all insurers with which the administrator had an agreement during the preceding calendar year[-];
 - (2) A renewal certificate for the surety bond required in section 431:9J-103 and an updated surety bond form, if needed; and
 - (3) An audited financial statement prepared by an independent certified public accountant.”

SECTION 7. Chapter 431, article 10D, part VII, Hawaii Revised Statutes, is amended to read as follows:

“~~¶~~**PART VII. SUITABILITY IN ANNUITY TRANSACTIONS**

§431:10D-621 Scope. (a) This part applies to any recommendation ~~[to purchase, exchange, or replace] or sale of~~ an annuity ~~[made to a consumer by an insurance producer, or an insurer where no producer is involved, that results in the purchase, exchange, or replacement recommended].~~

- (b) This part does not apply to transactions involving:
 - (1) Direct-response solicitations where there is no recommendation based on information collected from the consumer pursuant to this part; or
 - (2) Contracts used to fund:
 - (A) An employee pension or welfare benefit plan that is covered by the Employee Retirement ~~[and]~~ Income Security Act~~[-]~~ of 1974, P.L. 93-406, as amended;

- (B) A plan described by ~~[sections]~~ section 401(a), 401(k), 403(b), 408(k), or 408(p) of the Internal Revenue Code of 1986, as amended, if established or maintained by an employer;
 - (C) A ~~[governmental]~~ government plan or church plan defined in section 414 of the Internal Revenue Code of 1986, as amended, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization subject to section 457 of the Internal Revenue Code of 1986, as amended; or
 - (D) A non-qualified deferred compensation arrangement established or maintained by an employer or plan sponsor;
 - ~~[(E)]~~(3) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or
 - ~~[(F)]~~(4) Formal prepaid funeral contracts.
- (c) Nothing in this part shall be construed to affect in any manner any provision of chapter 485A.

§431:10D-622 Definitions. For the purposes of this part:

“Annuity” means an annuity that is an insurance product under state law that is individually solicited, whether the product is classified as an individual or group annuity.

“Approved continuing education course provider” means an individual or entity that is approved to offer continuing education courses pursuant to article 9A.

“Cash compensation” means any discount, concession, fee, service fee, commission, sales charge, loan, override, or cash benefit received by a producer in connection with the recommendation or sale of an annuity from an insurer, intermediary, or directly from the consumer.

“Comparable standards” means:

- (1) With respect to broker-dealers and registered representatives of broker-dealers, applicable United States Securities and Exchange Commission and Financial Industry Regulatory Authority rules pertaining to best interest obligations and supervision of annuity recommendations and sales, including but not limited to Regulation Best Interest, title 17 Code of Federal Regulations section 240.151-1, and any amendments or successor regulations thereto;
- (2) With respect to investment advisers registered under federal or state securities laws or investment adviser representatives, the fiduciary duties and all other requirements imposed on the investment advisers or investment adviser representatives by contract or under the Rules and Regulations, Investment Company Act of 1940, title 17 Code of Federal Regulations part 270, or applicable state securities law, including but not limited to the Form ADV and interpretations; and
- (3) With respect to fiduciaries or plan fiduciaries, the duties, obligations, prohibitions, and all other requirements attendant to such status under the Employee Retirement Income Security Act of 1974, P.L. 93-406, or the Internal Revenue Code of 1986, as amended, and any amendments or successor statutes thereto.

“Consumer profile information” means information that is reasonably appropriate to determine whether a recommendation addresses the consumer’s financial situation, insurance needs and financial objectives, including, at a minimum, the following:

- (1) Age;

- (2) Annual income;
- (3) Financial situation and needs, including debts and other obligations;
- (4) Financial experience;
- (5) Insurance needs;
- (6) Financial objectives;
- (7) Intended use of the annuity;
- (8) Financial times horizon;
- (9) Existing assets or financial products, including investment, annuity, and insurance holdings;
- (10) Liquidity needs;
- (11) Liquid net worth;
- (12) Risk tolerance, including but not limited to willingness to accept non-guaranteed elements in the annuity;
- (13) Financial resources used to fund the annuity; and
- (14) Tax status.

“Continuing education credit” means one continuing education credit hour. For the purposes of this [paragraph,] definition, “credit hour” has the same meaning as set forth in section 431:9A-102.

“Financial professional” means a producer that is regulated and acting as:

- (1) A broker-dealer registered under federal or state securities laws or a registered representative of a broker-dealer;
- (2) An investment adviser registered under federal or state securities laws or an investment adviser representative associated with the federal or state registered investment adviser; or
- (3) A plan fiduciary under section 3(21) of the Employee Retirement Income Security Act of 1974, P.L. 93-406, or fiduciary under section 4975(E)(3) of the Internal Revenue Code of 1986, as amended, or any amendments or successor statutes thereto.

~~[“Insurance producer” means a person required to be licensed under the laws of this State to sell, solicit, or negotiate insurance, including annuities.]~~

“Insurer” means a company required to be licensed under the laws of this State to provide insurance products, including annuities.

“Intermediary” means an entity contracted directly with an insurer or with another entity contracted with an insurer to facilitate the sale of the insurer’s annuities by producers.

“Material conflict of interest” means a financial interest of the producer in the sale of an annuity that a reasonable person would expect to influence the impartiality of a recommendation. “Material conflict of interest” does not include cash compensation or non-cash compensation.

“Non-cash compensation” means any form of compensation that is not cash compensation, including but not limited to health insurance, office rent, office support, and retirement benefits.

“Non-guaranteed elements” means the premiums, credited interest rates (including any bonus), benefits, values, dividends, non-interest based credits, charges, or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element shall be considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation.

“Producer” means a person or entity required to be licensed under the laws of this State to sell, solicit, or negotiate insurance, including annuities. “Producer” includes an insurer where no producer is involved.

~~“Recommendation” means advice provided by [an insurance] a producer [or an insurer where no producer is involved,] to an individual consumer that~~

[results] was intended to result or does result in a purchase, an exchange, or a replacement of an annuity in accordance with that advice. “Recommendation” does not include general communication to the public, generalized customer services assistance or administrative support, general educational information and tools, prospectuses, or other product and sales material.

“Replacement” means a transaction ~~[for the purchase of a new policy or contract that]~~ in which a new annuity is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer ~~[if there is no producer, knows or has reason to know will cause an existing policy or contract to be:]~~ whether or not a producer is involved, that by reason of the transaction, an existing annuity or other insurance policy has been or may be any of the following:

- (1) Terminated, lapsed, forfeited, or surrendered, partially surrendered, or assigned to the replacing insurer;
- (2) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
- (3) Amended to effect a reduction in either benefits or the term for which coverage would otherwise remain in force or for which benefits would be paid;
- (4) Reissued with any reduction in cash value; or
- (5) Used in a finance purchase.

[“Suitability information” means information about the consumer that is reasonably related to the determination of the appropriateness of a recommendation, including the following:

- (1) Age;
- (2) Annual income;
- (3) Financial situation and needs, including the financial resources used for funding the annuity at issue;
- (4) Financial experience;
- (5) Financial objectives;
- (6) Intended use of the annuity;
- (7) Financial time horizon;
- (8) Existing assets, including investment and life insurance holdings;
- (9) Liquidity needs;
- (10) Liquid net worth;
- (11) Risk tolerance; and
- (12) Tax status.]

§431:10D-623 Duties of insurers and [insurane] producers. [(a) In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer, or the insurer where no producer is involved, shall have reasonable grounds for believing that the recommendation is suitable for the consumer based on the facts, including the consumer’s suitability information, disclosed by the consumer about the consumer’s investments, other insurance products, financial situation, and needs and that:

- (1) The consumer has been reasonably informed of the various features of the annuity, including the potential surrender period and surrender charge; potential tax penalty if the consumer sells, exchanges, surrenders or annuitizes the annuity; mortality and expense fees; investment advisory fees; potential charges for and features of riders; limitations on interest returns; insurance and investment components; and market risk;

- (2) ~~The consumer would benefit from certain features of the annuity, including tax-deferred growth, annuitization, or death or living benefit;~~
- (3) ~~The particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of the purchase or exchange of the annuity, and riders and similar product enhancements, if any, are suitable and, in the case of an exchange or replacement, the transaction as a whole is suitable for the particular consumer; and~~
- (4) ~~In the case of an exchange or replacement of an annuity, the exchange or replacement is suitable for the particular consumer taking into consideration whether:~~
 - (A) ~~The consumer will incur a surrender charge; be subject to the commencement of a new surrender period; lose existing benefits such as death, living, or other contractual benefits; or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;~~
 - (B) ~~The consumer would benefit from product enhancements and improvements; and~~
 - (C) ~~The consumer has had another annuity exchange or replacement, particularly an exchange or replacement within the preceding thirty-six months.~~

~~(b) Prior to the execution of a purchase, exchange, or replacement of an annuity resulting from a recommendation, an insurance producer, or an insurer where no producer is involved, shall make reasonable efforts to obtain the consumer's suitability information.~~

~~(c) Except as permitted under subsection (d), an insurer shall not issue an annuity that has been recommended to a consumer unless the insurer has a reasonable basis to believe the annuity is suitable for the particular consumer based on the consumer's suitability information.] (a) A producer, when making a recommendation of an annuity, shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the producer's or the insurer's financial interest ahead of the consumer's interest. A producer has acted in the best interest of the consumer if the producer has satisfied the obligations regarding care, disclosure, conflict of interest, and documentation as set forth in this part.~~

~~[(d)(1)] (b)(1) Except as provided under paragraph (2), [neither an insurancee] a producer [nor an insurer] shall have [any] no obligation to a consumer under section 431:10D-A related to any annuity transaction if:~~

- (A) ~~No recommendation is made;~~
- (B) ~~A recommendation was made based on materially inaccurate information provided by the consumer;~~
- (C) ~~A consumer refuses to provide relevant [suitability] consumer profile information and the annuity transaction is not recommended; or~~
- (D) ~~A consumer decides to enter into an annuity transaction that is not based on a recommendation of [the insurer or] the [insurancee] producer[; and].~~

~~(2) An insurer's issuance of an annuity subject to paragraph (1) shall be reasonable under all the circumstances actually known to the insurer at the time the annuity is issued.~~

~~[(e) An insurance producer or a representative of the insurer, where no insurance producer is involved, shall at the time of sale:~~

- (1) ~~Make a record of any recommendation subject to this section;~~

- (2) Obtain a signed statement from the consumer documenting the consumer's refusal to provide suitability information, if applicable; and
- (3) Obtain a signed statement from the consumer acknowledging that an annuity transaction is not recommended if a consumer decides to enter into an annuity transaction that is not based on the insurer producer's or insurer's recommendation.

(f) (c) Except as permitted under subsection (b), an insurer shall not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives based on the consumer profile information.

(d) An insurer shall establish and maintain a supervision system that is reasonably designed to achieve the insurer's and its [insurance] producers' compliance with this part, including:

- (1) Reasonable procedures to inform the insurer's [insurance] producers of the requirements of this part, including incorporating the requirements of this part into relevant [insurance] producer training manuals;
- (2) Standards for [insurance] producer product training, including reasonable procedures to require its [insurance] producers to comply with section 431:10D-626;
- (3) Product-specific training and training materials that explain all material features of its annuity products to its [insurance] producers;
- (4) Procedures for the review of each recommendation prior to the issuance of an annuity to ensure [that] there is a reasonable basis to determine [the suitability of a recommendation that may include additional review of selected transactions through electronic, physical, or other means; provided that the insurer may specify criteria for selection of transactions for additional review;] that the recommended annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives. The review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means including but not limited to physical review. An electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;
- (5) Reasonable procedures to detect recommendations that are not [suitable, including] in compliance with subsections (b), (g), and (h), and sections 431:10D-A, 431:10D-B, 431:10D-C, and 431:10D-D. The reasonable procedures may include confirmation of [consumer suitability] the consumer profile information, systematic consumer surveys, producer and consumer interviews, confirmation letters, producer statements or attestations, and programs of internal monitoring; provided that nothing in this paragraph shall prevent an insurer applying sampling procedures or confirming [suitability] the consumer profile information or other required information under this section after issuance or delivery of the annuity;
- (6) Reasonable procedures to assess, before or upon issuance or delivery of an annuity, whether a producer has provided to the consumer the information required to be provided under this section;
- (7) Reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information;

- (8) Reasonable procedures to identify and eliminate any sales contests, sale quotas, bonuses, and non-cash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of this paragraph shall not prohibit the receipt of health insurance, office rent, office support, retirement benefits, or other employee benefits by employees; provided that those benefits are not based upon the volume of sales of a specific annuity within a limited period of time;
- [(6)] (9) Annual review and testing of the supervision system ~~[which]~~ that shall be documented in a written report to the insurer's senior management, including the senior manager responsible for audit functions, to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any;
- [(7)] (10) Procedures for monitoring contracts and, as appropriate, conducting audits to assure that any contracted functions are properly performed; and
- [(8)] (11) Annual certification based on reasonable facts from a senior manager who has responsibility for contracted functions that the contracted functions are properly performed.

~~[(e)]~~ (e) An insurer may contract for performance of any functions, including maintenance of procedures, required by subsection ~~[(f)(1) to (6);]~~ (d)(1) to (9); provided that an insurer shall be responsible for taking any appropriate corrective action and may be subject to sanctions and penalties pursuant to section 431:10D-624 regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with subsection ~~[(f)-]~~ (d).

~~[(h)]~~ (f) An insurer ~~[is]~~ shall not be required to include in its system of supervision ~~[an insurancee];~~

- (1) A producer's recommendations to consumers of products other than the annuities offered by the insurer[-]; or
- (2) Consideration of or comparison to options available to the producer or compensation relating to those options other than annuities or other products offered by the insurer.

~~[(i)]~~ ~~An insurance producer shall not~~ (g) Neither a producer nor an insurer shall dissuade, or attempt to dissuade, a consumer from:

- (1) Truthfully responding to an insurer's request for confirmation of ~~[suitability]~~ the consumer profile information;
- (2) Filing a complaint; or
- (3) Cooperating with the investigation of a complaint.

~~[(j)]~~ ~~Sales~~ (h) Recommendations and sales of annuities made in compliance with [requirements of the Financial Industry Regulatory Authority or its successor agency pertaining to suitability and supervision of annuity transactions] comparable standards shall satisfy the requirements of this [section; provided that an insurer that issues an annuity subject to this part shall:] part. This section shall apply to all recommendations and sales of annuities made by financial professionals in compliance with business rules, controls, and procedures that satisfy a comparable standard even if the standard would not otherwise apply to the product or recommendation at issue. Nothing in this subsection shall limit the commissioner's ability to investigate and enforce the provisions of this part. Nothing in this subsection shall limit the insurer's obligation to comply with subsection (c); provided that the insurer may base its analysis on information received from either the financial professional or the entity supervising the financial professional.

- (i) For subsection (h) to apply, an insurer shall:

- (1) ~~Monitor the [sales by entities registered as broker-dealers with the Financial Industry Regulatory Authority of annuities issued by the insurer] relevant conduct of the financial professional seeking to rely on subsection (h) or the entity responsible for supervising the financial professional, such as the financial professional's broker-dealer or an investment adviser registered under federal or state securities laws using information collected in the normal course of an insurer's business; and~~
- (2) ~~Provide to the entity [subject to paragraph (1) with any] responsible for supervising the financial professional seeking to rely on subsection (h), such as the financial professional's broker-dealer or investment adviser registered under federal or state securities laws, information and reports that are reasonably [necessary] appropriate to assist the entity [in maintaining the] to maintain its supervision system [required by the Financial Industry Regulatory Authority.~~

~~This subsection shall apply to sales of variable annuities and fixed annuities where suitability and supervision requirements are similar to those applied to variable annuity sales. Nothing in this subsection shall limit the insurance commissioner's ability to enforce this part].~~

§431:10D-624 Compliance mitigation; penalties[-]; enforcement. (a)

~~An insurer shall be responsible for compliance with this part. If a violation occurs because of the action or inaction of the insurer or its [insurane] producer, the commissioner may order:~~

- (1) ~~An insurer to take reasonably appropriate corrective action for any consumer harmed by a failure to comply with this part by the [insurer's] insurer, an entity contracted to perform the insurer's supervisory duties, or [its insurance producer's violation of this part:] by the producer;~~
- (2) ~~A business entity, general agency, independent agency, or the [insurane] producer to take reasonably appropriate corrective action for any consumer harmed by the [insurane] producer's violation of this part; and~~
- (3) ~~Appropriate penalties and sanctions.~~

~~(b) Any penalty applicable to an insurer, a managing general agent, independent agencies, or a producer under article 13 of chapter 431 may be applicable to a violation of this part; provided that penalties may be reduced or eliminated if corrective action for the consumer was taken promptly after a violation was discovered or if the violation was not part of a pattern or practice.~~

~~(c) The authority to enforce compliance with this part is vested exclusively with the commissioner.~~

§431:10D-625 Recordkeeping. Insurers, managing general agents, independent agencies, and [insurane] producers shall maintain or make available to the commissioner records of the information collected from the consumer; disclosures made to the consumer, including summaries of oral disclosures; and other information used in making the recommendations that were the basis for insurance transactions for five years after the insurance transaction has been completed by the insurer. An insurer may maintain documentation on behalf of [an insurane] a producer.

§431:10D-626 [Insurane producer] Producer training. (a) [An insurane] A producer shall not solicit the sale of an annuity product unless the [insurane] producer has adequate knowledge of the product to recommend the annuity and the [insurane] producer is in compliance with the insurer's standards for product training. [An insurane] A producer may rely on insurer-

provided, product-specific training standards and materials to comply with this subsection.

(b) ~~[Any insurancee]~~ A producer who is authorized to sell annuity products on or before ~~[January 31, 2012,]~~ December 31, 2022, shall complete by ~~[January 31, 2012,]~~ July 1, 2023, a one-time training course on annuity products meeting the requirements of subsection (d)~~[-]~~, by completing either:

- (1) A new four-credit training course approved by the commissioner after December 31, 2022; or
- (2) An additional one-credit training course approved by the commissioner and provided by an approved education provider on appropriate sales practices, replacement, and disclosure requirements under this part.

(c) ~~[An insurancee]~~ A producer who obtains a life or variable life and variable annuity products line of authority after ~~[January 31, 2012,]~~ December 31, 2022, shall not engage in the sale of annuities until the ~~[insurancee]~~ producer has completed training meeting the requirements of subsection (d).

(d) The training required by this section shall be approved by the commissioner, be conducted by an approved continuing education course provider, and meet the following requirements:

- (1) The minimum length of the training shall be sufficient to qualify for at least four continuing education credits;
- (2) The training shall include information on the following topics:
 - (A) The types and various classifications of annuities available on the market;
 - (B) Identification of the parties to an annuity;
 - (C) How fixed, variable, and indexed annuity contract provisions affect consumers;
 - (D) The application of income taxation to qualified and non-qualified annuities;
 - (E) The primary uses of annuities; and
 - (F) Appropriate standard of conduct, sales practices, replacement, and disclosure requirements; and
- (3) The training shall not include any marketing information for products of any particular insurer or training on sales techniques.

(e) A provider of an annuity training course intending to comply with this section shall register as an approved continuing education course provider in this State and comply with the rules and guidelines applicable to ~~[insurancee]~~ producer continuing education courses as set forth in article 9A.

(f) Annuity training courses may be conducted and completed by classroom or self-study methods in accordance with article 9A.

(g) Providers of annuity training shall comply with the reporting requirements and shall issue certificates of completion in accordance with article 9A.

(h) The satisfaction of the training requirements of another state that are substantially similar to the provisions of this section shall be deemed to satisfy the training requirements of this section in this State.

(i) The satisfaction of the components of the training requirements of any course or courses with components determined by the commissioner to be substantially similar to the provisions of this section shall be deemed to satisfy the training requirements of this section.

~~[(+)]~~ (j) An insurer shall verify that ~~[an insurancee]~~ the producer has completed the annuity training course required by this section before allowing the producer to sell an annuity product for the insurer. An insurer may satisfy its responsibility under this subsection by obtaining certificates of completion of

the training course or from a reasonably reliable commercial database vendor that has a reporting arrangement with approved continuing education course providers.”

SECTION 8. The insurance commissioner may delay the enforcement of sections 3 and 6 of this Act until no later than March 31, 2023.

SECTION 9. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 11. This Act shall take effect on July 1, 2022; provided that sections 2 and 7 shall take effect on January 1, 2023.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 59

H.B. NO. 2113

A Bill for an Act Relating to Money Transmitters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 489D-9, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) An application for a license under this chapter shall be made in writing, and in a form prescribed by NMLS or by the commissioner. Each application shall contain the following:

- (1) For all applicants:
 - (A) The exact name of the applicant, any fictitious or trade name used by the applicant in the conduct of its business, the applicant’s principal address, and the location of the applicant’s business records;
 - (B) The history of the applicant’s material litigation and criminal convictions for the ten-year period ~~preior to~~ before the date of the application;
 - (C) A description of the business activities conducted by the applicant and a history of operations;
 - (D) A description of the business activities in which the applicant seeks to engage within the State;
 - (E) A list identifying the applicant’s proposed authorized delegates in the State, if any, at the time of the filing of the license application;
 - (F) A sample authorized delegate contract, if applicable;
 - (G) A sample form of payment instrument or instrument upon which stored value is recorded, if applicable;
 - (H) The locations where the applicant and its authorized delegates, if any, propose to conduct their licensed activities in the State;

- (I) The name and address of the clearing bank or banks on which the applicant's payment instruments will be drawn or through which payment instruments will be payable;
 - (J) Disclosure of any pending or final suspension, revocation, or other enforcement action by any state or governmental authority for the five-year period [~~prior to~~] before the date of the application;
 - (K) Information concerning any bankruptcy or receivership proceedings affecting the licensee, key individual, person in control of a licensee, or person seeking to acquire control of a licensee; and
 - (L) Any other information the commissioner may require;
- (2) If the applicant is a corporation, the applicant shall also provide:
- (A) The date of the applicant's incorporation and state of incorporation;
 - (B) A certificate of good standing from the state in which the applicant was incorporated;
 - (C) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary company of the applicant, and the disclosure of whether any parent or subsidiary company is publicly traded on any stock exchange;
 - (D) The name, business and residence address, and employment history, for the past five years, of the applicant's principals, and each person who, upon approval of the application, will be a principal of the licensee;
 - (E) For the ten-year period [~~prior to~~] before the date of the application, the history of material litigation involving, and criminal convictions of, each principal of the applicant;
 - (F) A copy of the applicant's most recent audited financial statement, including balance sheets, statements of income or loss, statements of changes in shareholder equity and statements of changes in financial position, and, if available, the applicant's audited financial statements for the preceding two-year period or, if the applicant is a wholly owned subsidiary of another corporation, either the parent corporation's consolidated audited financial statements for the current year and for the preceding two-year period, or the parent corporation's Form 10-K reports filed with the United States Securities and Exchange Commission for the prior three years in lieu of the applicant's financial statements, or if the applicant is a wholly owned subsidiary of a corporation having its principal place of business outside the United States, similar documentation filed with the parent corporation's non-United States regulator;
 - (G) Copies of all filings, if any, made by the applicant with the United States Securities and Exchange Commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application; and
 - (H) Information necessary to conduct a criminal history record check [~~in accordance with~~] to be conducted by or through NMLS or pursuant to section 846-2.7 of each person who, upon approval of the application, will be a principal of the licensee[;]. The information shall be accompanied by the ap-

- appropriate payment of the applicable fee for each criminal history record check; and
- (3) If the applicant is not a corporation, the applicant shall also provide:
 - (A) The name, business and residence address, personal financial statement, and employment history, for the past five years, of each principal of the applicant;
 - (B) The name, business and residence address, and employment history, for the past five years, of any other persons who, upon approval of the application, will be a principal of the licensee;
 - (C) The place and date of the applicant's registration or qualification to do business in this State;
 - (D) The history of material litigation and criminal convictions for the ten-year period before the date of the application for each principal of the applicant;
 - (E) Copies of the applicant's audited financial statements, including balance sheets, statements of income or loss, and statements of changes in financial position for the current year and, if available, for the preceding two-year period; and
 - (F) Information necessary to conduct a criminal history record check ~~[in accordance with]~~ to be conducted by or through NMLS or pursuant to section 846-2.7 of each principal of the applicant[;]. The information shall be accompanied by the appropriate payment of the applicable fee for each criminal history record check."

SECTION 2. Section 489D-34, Hawaii Revised Statutes, is amended to read as follows:

“§489D-34 Powers of the commissioner. In addition to any other powers provided by law, the commissioner may:

- (1) Adopt rules pursuant to chapter 91 to implement this chapter;
- (2) Administer and enforce the provisions and requirements of this chapter;
- (3) Issue declaratory rulings and informal nonbinding interpretations;
- (4) Develop requirements for licensure;
- (5) Process and investigate complaints, subpoena witnesses and documents, administer oaths, and receive affidavits and oral testimony, including telephonic communications;
- (6) Investigate and conduct hearings, including contested case proceedings under chapter 91, regarding any violation of this chapter, or any rule or order of, or agreement with, the commissioner;
- (7) Create fact-finding committees that may make recommendations to the commissioner for the commissioner's deliberations;
- (8) Require disclosure of relevant criminal history in accordance with this chapter and conduct criminal history record checks ~~[in accordance with]~~ conducted by or through NMLS or pursuant to chapter 846;
- (9) Contract with or employ qualified persons who may be exempt from chapter 76, including investigators, examiners, auditors, and attorneys, to assist the commissioner in exercising the commissioner's powers and duties;
- (10) Require that all revenues, fees, and fines collected by the commissioner under this chapter be deposited into the compliance resolution fund established pursuant to section 26-9(o);

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- (11) Revoke, suspend, or otherwise limit the license of any money transmitter for any violation of this chapter, or any rule or order of, or agreement with, the commissioner;
- (12) Report any violation of this chapter or violation of federal or state law to the Consumer Financial Protection Bureau or other federal agency having jurisdiction over the licensee;
- (13) Participate in nationwide protocols for licensing cooperation and coordination among state regulators; and
- (14) Do any and all things necessary or incidental to the exercise of the commissioner's power and duties."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 60

H.B. NO. 2115

A Bill for an Act Relating to Mortgage Servicers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 454M-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) To the extent reasonably necessary to participate in NMLS, the commissioner may modify ~~[any or all of the requirements of subsections (e) and (f)]~~ or waive, in whole or in part, by rule or order, any or all of the requirements in this chapter."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 61

H.B. NO. 2248

A Bill for an Act Relating to Schools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 302A-1132, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) As used in this section, "private school" means an educational institution that teaches students in any grade from kindergarten through grade twelve and that is ~~[licensed or accredited]~~ either:

- (1) Licensed;
- (2) Licensed and accredited by the Hawaii Association of Independent Schools, Hawaii Council of Private Schools, Western Association of Schools and Colleges, Western Catholic Educational Association,

Association of Christian Schools International, or a [~~similarly recognized~~] similar entity recognized by the Hawaii Council of Private Schools that meets or exceeds the standards set by the aforementioned entities[-]; or

- (3) Accredited by the Hawaii Association of Independent Schools, Hawaii Council of Private Schools, Western Association of Schools and Colleges, Western Catholic Educational Association, Association of Christian Schools International, or a similar entity recognized by the Hawaii Council of Private Schools that meets or exceeds the standards set by the aforementioned entities, and submits health and safety documentation to the Hawaii Council of Private Schools or the Hawaii Catholic Schools office on an annual basis.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 62

H.B. NO. 2272

A Bill for an Act Relating to Condominium Associations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 514B-32, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A declaration shall describe or include the following:

- (1) The land submitted to the condominium property regime;
- (2) The number of the condominium map filed concurrently with the declaration;
- (3) The number of units in the condominium property regime;
- (4) The unit number of each unit and common interest appurtenant to each unit;
- (5) The number of buildings and projects in the condominium property regime, and the number of stories and units in each building;
- (6) The permitted and prohibited uses of each unit;
- (7) To the extent not shown on the condominium map, a description of the location and dimensions of the horizontal and vertical boundaries of any unit. Unit boundaries may be defined by physical structures or, if a unit boundary is not defined by a physical structure, by spatial coordinates;
- (8) The condominium property regime’s common elements;
- (9) The condominium property regime’s limited common elements, if any, and the unit or units to which each limited common element is appurtenant;
- (10) The total percentage of the common interest that is required to approve rebuilding, repairing, or restoring the condominium property regime if it is damaged or destroyed;
- (11) The total percentage of the common interest, and any other approvals or consents, that are required to amend the declaration. Except as otherwise specifically provided in this chapter, and except for any amendments made pursuant to reservations set forth in paragraph

- (12), the ~~[approval of the owners of]~~ declaration may be amended at any time by the vote or written consent of unit owners representing at least sixty-seven per cent of the common interest [shall be required for all amendments to the declaration]; unless the declaration is amended by the unit owners to require a higher percentage;
- (12) Any rights that the developer or others reserve regarding the condominium property regime, including, without limitation, any development rights, and any reservations to modify the declaration or condominium map. An amendment to the declaration made pursuant to the exercise of those reserved rights shall require only the consent or approval, if any, specified in the reservation; and
- (13) A declaration, subject to the penalties set forth in section 514B-69(b), that the condominium property regime is in compliance with all zoning and building ordinances and codes, and all other permitting requirements pursuant to section 514B-5 and chapter 205, including section 205-4.6 where applicable. In the case of a project in the agricultural district classified pursuant to chapter 205, the declaration, subject to the penalties set forth in section 514B-69(b), shall include an additional statement that there are no private restrictions limiting or prohibiting agricultural uses or activities in compliance with section 205-4.6. In the case of a property that includes one or more existing structures being converted to condominium property regime status, the declaration required by this section shall specify:
- (A) Any variances that have been granted to achieve the compliance; and
 - (B) Whether, as the result of the adoption or amendment of any ordinances or codes, the project presently contains any legal nonconforming conditions, uses, or structures.

A property that is registered pursuant to section 514B-51 shall instead provide the required declaration pursuant to section 514B-54. If a developer is converting a structure to condominium property regime status and the structure is not in compliance with all zoning and building ordinances and codes, and all other permitting requirements pursuant to section 514B-5, and the developer intends to use purchaser's funds pursuant to the requirements of section 514B-92 or 514B-93 to cure the violation or violations, then the declaration required by this paragraph may be qualified to identify with specificity each violation and the requirement to cure the violation by a date certain."

SECTION 2. Section 514B-83, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) A developer’s public report shall contain:
- (1) The name and address of the project, and the name, address, telephone number, and electronic mail address, if any, of the developer or the developer’s agent;
 - (2) A statement of the deadline, pursuant to section 514B-89, for completion of construction or, in the case of a conversion, for the completion of any repairs required to comply with section 514B-5, and the remedies available to the purchaser, including but not limited to cancellation of the sales contract, if the completion of construction or repairs does not occur on or before the completion deadline;
 - (3) A breakdown of the annual maintenance fees, which includes the annual reserve contributions based on a reserve study, and the

monthly estimated cost for each unit, certified to have been based on generally accepted accounting principles, and a statement regarding when a purchaser shall become obligated to start paying the fees pursuant to section 514B-41(b);

- (4) A description of all warranties for the individual units and the common elements, including the date of initiation and expiration of any such warranties, or a statement that no warranties exist;
- (5) A summary of the permitted uses of the units and, if applicable, the number of units planned to be devoted to a particular use;
- (6) A description of any development rights reserved to the developer or others;
- (7) A declaration, subject to the penalties set forth in section 514B-69(b), that the project is in compliance with all county zoning and building ordinances and codes, chapter 205, including section 205-4.6 where applicable, and all other county permitting requirements applicable to the project, pursuant to sections 514B-5 and 514B-32(a)(13); and
- (8) Any other facts, documents, or information that would have a material impact on the use or value of a unit or any appurtenant limited common elements or amenities of the project available for an owner's use, or that may be required by the commission."

SECTION 3. Section 514B-108, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The bylaws may be amended at any time by the vote or written consent of at least sixty-seven per cent of all unit owners. Any proposed bylaws together with the detailed rationale for the proposal may be submitted by the board or by a volunteer unit owners group. If submitted by that group, the proposal shall be accompanied by a petition signed and dated by not less than twenty-five per cent of the unit owners as shown in the association's record of ownership. The petition shall be valid only if submitted within one hundred twenty days of the earliest signature. The proposed bylaws, rationale, and ballots for voting on any proposed bylaw shall be mailed by the board to the owners at the expense of the association for vote or written consent without change within thirty days of the receipt of the petition by the board. The vote or written consent, to be valid, ~~must~~ shall be obtained within three hundred sixty-five days after mailing for a proposed bylaw submitted by either the board or a volunteer unit owners group. If the bylaw is duly adopted, the board shall cause the bylaw amendment to be recorded. The volunteer unit owners group shall be precluded from submitting a petition for a proposed bylaw that is substantially similar to that which has been previously mailed to the owners within three hundred sixty-five days after the original petition was submitted to the board.

This subsection shall not preclude any unit owner or volunteer unit owners group from proposing any bylaw amendment at any annual association meeting."

SECTION 4. Section 514B-121, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (b) and (c) to read:

"(b) Notwithstanding any other provision of this chapter, except as provided in subsection (e), or the declaration or bylaws of a condominium to the contrary, at any association meeting the board may direct the use of an electronic voting device regardless of whether a secret ballot is used or required. Except as provided in subsection (e), the use shall be subject to the following:

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- (1) The electronic voting device and all associated equipment shall be isolated from any connection to an external network, including the Internet[;], or shall use a form of encryption comparable to that used for secured internet web browsers;
- (2) The board shall establish reasonable procedures to provide for the secrecy and integrity of the unit owners' votes, including but not limited to procedures that ensure the availability of a printed audit trail containing:
 - (A) The reference number or internet address of the electronic voting device;
 - (B) Each common interest voted; and
 - (C) The vote that was tabulated;
- (3) A copy of the printed audit trail shall be available to owners after the meeting in the same manner provided by sections 514B-154 and 514B-154.5; and
- (4) A copy of the procedures established pursuant to paragraph (2) shall be available at no charge to any owner and a copy shall be available at any meeting at which the association uses an electronic voting device.

~~[In the event of]~~ If any conflict arises between this subsection and subsection (e), subsection (e) shall control.

(c) Special meetings of the association may be called by the president, a majority of the board, or by a petition to the secretary or managing agent signed and dated by not less than twenty-five per cent of the unit owners as shown in the association's record of ownership; provided that if the secretary or managing agent fails to send out the notices for the special meeting within fourteen days of receipt of the petition, the petitioners shall have the authority to set the time, date, and place for the special meeting and to send out the notices and proxies for the special meeting at the association's expense in accordance with the requirements of the bylaws and of this part; provided further that a special meeting based upon a petition to the secretary or managing agent shall be set no later than sixty days from receipt of the petition. The petition shall be valid only if submitted within one hundred twenty days of the earliest signature."

2. By amending subsection (e) to read:

"(e) All association meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised. Notwithstanding any provision to the contrary in the association's declaration or bylaws or in subsection (b), electronic meetings and electronic, machine, or mail voting [shall] may be authorized[;] by the board in its sole discretion:

- (1) During any period in which a state of emergency or local state of emergency, declared pursuant to chapter 127A, is in effect in the county in which the condominium is located;
- (2) For any association meeting for which notice was given while a state of emergency or local state of emergency, declared pursuant to chapter 127A, was in effect for the county in which the condominium is located but is no longer in effect as of the date of the meeting; provided that the meeting is held within sixty days of the date the notice was first given; ~~[or]~~
- (3) For any electronic, machine, or mail voting for which notice of voting has been sent; provided that the electronic, machine, or mail voting deadline is within sixty days of the date the notice was first sent;
- (4) Whenever approved in advance by:
 - (A) Written consent of a majority of unit owners; or

- (B) Majority vote at an association meeting; or
 [(3)] (5) Whenever otherwise authorized in an association's declaration or bylaws.

The association shall implement reasonable measures to verify that each person permitted to vote is a member of the association or proxy of a member.

As used in this subsection, "mail voting" includes sending or receiving written ballots via mail, courier, or electronic transmission; provided that the transmission is a complete reproduction of the original."

SECTION 5. Section 514B-122, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Minutes of meetings of the association shall be approved at the next succeeding regular meeting or by the board[~~, within sixty days after the meeting~~], if authorized by the owners at an annual meeting. If approved by the board, owners shall be given a copy of the approved minutes or notified of the availability of the minutes within thirty days after approval."

SECTION 6. Section 514B-123, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) A proxy, to be valid, shall:

- (1) Be delivered to the secretary of the association or the managing agent, if any, no later than 4:30 p.m. Hawaii-Aleutian Standard Time on the second business day prior to the date of the meeting to which it pertains; and
- (2) Contain at least the name of the association, the date of the meeting of the association, the printed names and signatures of the persons giving the proxy, the unit numbers for which the proxy is given, the names of persons to whom the proxy is given, and the date that the proxy is given."

SECTION 7. Section 514B-125, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) [~~Following any election of board members by the association, the~~ The board may][~~at the board's next regular meeting or at a duly noticed special meeting,~~] establish rules for owner participation in any deliberation or discussion at board meetings, other than executive sessions. A board that establishes such rules pursuant to this subsection:

- (1) Shall notify all owners of these rules; and
- (2) May amend these rules at any regular or duly noticed special meeting of the board; provided that all owners shall be notified of any adopted amendments.

The board may make the rules available to owners on an association website."

SECTION 8. Section 514B-148, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) The budget required under section 514B-144(a) shall include at least the following:

- (1) The estimated revenues and operating expenses of the association;
- (2) Information as to whether the budget has been prepared on a cash or accrual basis;
- (3) The total replacement reserves of the association as of the date of the budget;

- (4) The estimated replacement reserves that the association will require to maintain the property based on a reserve study performed by the association; provided that the reserve study shall be reviewed by an independent reserve study preparer; provided further that the reserve study shall be reviewed or updated at least every three years;
- (5) A general explanation of how the estimated replacement reserves are computed;
- (6) The amount the association must collect for the fiscal year to fund the estimated replacement reserves; and
- (7) Information as to whether the amount the association must collect for the fiscal year to fund the estimated replacement reserves was calculated using a per cent funded or cash flow plan. The method or plan shall not circumvent the estimated replacement reserves amount determined by the reserve study pursuant to paragraph (4).”

2. By amending subsection (h) to read:

“(h) As used in this section:

“Capital expenditure” means an expense that results from the purchase or replacement of an asset whose life is greater than one year, or the addition of an asset that extends the life of an existing asset for a period greater than one year.

“Cash flow plan” means a minimum [~~twenty-year~~] thirty-year projection of an association’s future income and expense requirements to fund fully its replacement reserves requirements each year during that [~~twenty-year~~] thirty-year period, except in an emergency; provided that it does not include a projection of special assessments or loans during that [~~twenty-year~~] thirty-year period, except in an emergency.

“Emergency situation” means any extraordinary expenses:

- (1) Required by an order of a court;
- (2) Necessary to repair or maintain any part of the property for which the association is responsible where a threat to personal safety on the property is discovered;
- (3) Necessary to repair any part of the property for which the association is responsible that could not have been reasonably foreseen by the board in preparing and distributing the annual operating budget;
- (4) Necessary to respond to any legal or administrative proceeding brought against the association that could not have been reasonably foreseen by the board in preparing and distributing the annual operating budget; or
- (5) Necessary for the association to obtain adequate insurance for the property [~~which~~] that the association must insure.

“Major maintenance” means an expenditure for maintenance or repair that will result in extending the life of an asset for a period greater than one year.

“Replacement reserves” means funds for the upkeep, repair, or replacement of those parts of the property, including but not limited to roofs, walls, decks, paving, and equipment, that the association is obligated to maintain.”

SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 11. This Act shall take effect on January 1, 2023.

(Approved June 17, 2022.)

ACT 63

H.B. NO. 2340

A Bill for an Act Relating to Controlled Substances.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that permitting post office box and rural and highway contract route box addresses to be used as an option for prescriptions, as long as the physical location where an individual resides is on file, would provide more efficiency for pharmacists in having prescriptions reach consumers, rather than requiring consumers to take the required steps to change the post office box and rural and highway contract route box address to a physical address. The legislature further finds that making this change would promote more efficiency and effectiveness in the timely delivery of prescriptions to consumers.

The purpose of this Act is to amend the definition of “address” in the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes, to make post office boxes and rural and highway contract route boxes permissible for a prescription to be considered valid, on the condition that a physical address is readily accessible.

SECTION 2. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of “address” to read as follows:

“Address” means, with respect to prescriptions, the physical location where an individual resides, such as:

- (1) Street address, city, and state;
- (2) Tax map key number; or
- (3) The description of a physical location.

Unless the context dictates otherwise, “address” includes a post office box; provided that the pharmacy dispensing the prescription has, on file, the physical location where an individual resides.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 64

S.B. NO. 1105

A Bill for an Act Relating to the Mortgage Loan Recovery Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 454F-41, Hawaii Revised Statutes, is amended to read as follows:

“§454F-41 Mortgage loan recovery fund; use of fund; fees. (a) The commissioner shall establish and maintain a fund that shall be known as the mortgage loan recovery fund, from which any person aggrieved by an act, rep-

resentation, transaction, or conduct of a mortgage loan originator company licensee involving fraud, misrepresentation, or deceit in violation of this chapter may recover, by ~~[order]~~ final judgment of the circuit court or district court of the county where the violation occurred, an amount of ten per cent of the residential mortgage loan, but not more than \$150,000, including court costs and fees as set by law and reasonable attorney fees as determined by the court, for damages sustained by the fraud, misrepresentation, or deceit of a mortgage loan originator company licensee.

~~[(b)]~~ In addition to application fees and any fees required by NMLS, a mortgage loan originator licensee shall pay to the division a mortgage loan recovery fund fee ~~[as follows for deposit in the mortgage loan recovery fund:~~

- ~~(1) The sum of \$300 for each principal office location of a mortgage loan originator company;~~
- ~~(2) The sum of \$250 for each branch office location of a mortgage loan originator company; and~~
- ~~(3) The sum of \$200 for each mortgage loan originator.]~~

in the sum of \$200.

~~[(e)]~~ Upon application for renewal of a license under this chapter, a mortgage loan originator licensee shall pay~~;~~ to the division, in addition to the licensee's license renewal fee and fees required by NMLS, a mortgage loan recovery fund fee ~~[as follows for deposit in the mortgage loan recovery fund:~~

- ~~(1) The sum of \$200 for each principal office location of a mortgage loan originator company;~~
- ~~(2) The sum of \$100 for each branch office location of a mortgage loan originator company; and~~
- ~~(3) The sum of \$100 for each mortgage loan originator.]~~

in the sum of \$100.

~~[Mortgage]~~ The \$100 mortgage loan recovery fund ~~[fees]~~ fee collected pursuant to this subsection shall be refundable upon the denial of a license renewal by the commissioner.

~~[(d)]~~ (b) When the mortgage loan recovery fund attains a funding level of \$750,000, the commissioner may make a finding to adjust the fees payable to the fund or may determine that payments made by mortgage loan originator licensees shall cease. If acceptance of payments is ceased, it shall remain ceased until the funding level falls below \$750,000. If the funding level falls below \$250,000 after the first five years of the establishment of the fund, the commissioner may adjust the fees to a reasonable level ~~[for the purpose of attaining]~~ to attain a funding level of \$750,000.

~~[(e)]~~ (c) The commissioner or the commissioner's designee, as the manager of the mortgage loan recovery fund, shall be authorized to expend moneys in the mortgage loan recovery fund to:

- (1) Retain private legal counsel to represent the commissioner or the division in any action that involves or may result in payment from the mortgage loan recovery fund;
- (2) Retain a certified public accountant for accounting and auditing of the mortgage loan recovery fund;
- (3) Employ necessary personnel, not subject to chapter 76, to assist the commissioner in exercising the commissioner's powers and duties with respect to the mortgage loan recovery fund; and
- (4) Retain a consultant to recover and collect any payments from the mortgage loan recovery fund, plus interest from the judgment debtor."

SECTION 2. Section 454F-42, Hawaii Revised Statutes, is amended to read as follows:

“§454F-42 Statute of limitation; recovery from fund. (a) No action for a judgment that subsequently results in an order for collection from the mortgage loan recovery fund shall be commenced later than six years from the accrual of the cause of action. When any aggrieved person commences an action for a judgment that may result in collection from the mortgage loan recovery fund, the aggrieved person shall notify the commissioner in writing at the time of the commencement of the action and shall submit to the commissioner any documents required by the commissioner pursuant to rules issued in accordance with chapter 91.

(b) When any aggrieved person receives a valid judgment upon the grounds of fraud, misrepresentation, or deceit that occurred before the effective date of section 454F-41 against any licensee from any circuit or district court where the violation occurred, the aggrieved person shall proceed against the bond covering the license that was in force prior to the enactment of section 454F-41 and establishment of the mortgage loan recovery fund.

(c) The court shall proceed upon an application to recover from the mortgage loan recovery fund in a summary manner and, at hearing, the aggrieved person shall be required to show:

- (1) The person is not a spouse of the judgment debtor or the personal representative of a spouse of the judgment debtor;
- (2) The person has complied with all the requirements of this section;
- (3) The person has obtained a judgment pursuant to section 454F-41(a) that states the amount of the judgment and the amount owed on the judgment debt as of the date of the application;
- (4) The person has made all reasonable searches and inquires to ascertain whether the judgment debtor is possessed of real or personal property or other assets liable to be sold or applied in satisfaction of the judgment; and
 - (A) The search has uncovered no personal or real property or other assets liable to be sold or applied; or
 - (B) The search has uncovered personal or real property or other assets liable to be sold or applied, the person has taken all necessary action and completed all necessary proceedings for the realization thereof, and the amount realized was insufficient to satisfy the judgment; provided that the person shall state the amount realized and the balance remaining due on the judgment after application of the amount realized; and
- (5) That where the licensee is a judgment debtor in a bankruptcy proceeding, the aggrieved person has obtained an order from the bankruptcy court declaring the judgment against the licensee to be non-dischargeable.

(d) Upon hearing, if the court is satisfied of the truth of all matters required by subsection (c) and that the aggrieved person has fully pursued and exhausted all remedies available to the person for recovering the amount awarded by the judgment of the court, the court shall issue an order directing the commissioner to pay from the mortgage loan recovery fund whatever sum the court finds to be payable upon the claim in accordance with the limitations contained in this section.

(e) In addition to the procedure provided in subsections (c) and (d), the commissioner may also consider applications to recover from the mortgage loan recovery fund. An aggrieved person who has obtained a final judgment from the court may submit the person's application to the commissioner. If the commis-

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sioner is satisfied as to the truth of the application, and that, despite reasonable efforts the person has been unable to recover on the judgment, the commissioner may issue an order approving payment from the mortgage loan recovery fund.

~~[(e)]~~ (f) Notwithstanding any other provision, the liability of the mortgage loan recovery fund shall not exceed the sum of \$100,000 against any one licensee.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 65

S.B. NO. 2017

A Bill for an Act Relating to Emergency Medical Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 119, Session Laws of Hawaii 2021 (Act 119), created an additional category for “emergency medical technician 1”, which is an individual who is certified at a higher practice level than emergency medical responders, but does not provide ambulance services. Act 119 required the Hawaii medical board to establish a pilot program to issue licenses to individuals qualified in emergency medical services upon application therefor; provided the applicant meets various levels of education and training based on national standards and qualifications. Act 119 also established license renewal criteria as set forth by the Hawaii medical board. The purpose of Act 119 was to align the State with national trends and mitigate the unintended consequences associated with the deregulation of the State’s emergency medical services system by including emergency medical technicians who do not work on an ambulance, but provide life-saving care. However, Act 119 was limited to those counties having a population of greater than five hundred thousand, thereby excluding emergency medical technicians, such as firefighters and lifeguards, for the counties of Maui, Kauai, and Hawaii.

Accordingly, the purpose of this Act is to repeal existing law that limits licensure as an emergency medical technician 1 to individuals whose practice is performed in a county with a population of five hundred thousand or greater.

SECTION 2. Section 453-34, Hawaii Revised Statutes, is amended to read as follows:

“~~[[[§453-34]]]~~ Licensure consistent with levels of practice; licensure of emergency medical technician 1. (a) The Hawaii medical board shall issue licenses upon application therefor, consistent with the following levels of practice:

- (1) Emergency medical technician 1;
- (2) Emergency medical technician;
- (3) Advanced emergency medical technician; or
- (4) Mobile intensive care technician or paramedic.

(b) Beginning July 1, 2022, the Hawaii medical board shall accept applications for licensure as an emergency medical technician 1; provided that the applicant shall:

- (1) Demonstrate successful completion of a Hawaii medical board-approved emergency medical technician course that meets or exceeds

the National Emergency Medical Services Education Standards for Emergency Medical Technicians;

- (2) Provide a current cardiopulmonary resuscitation certification;
- (3) Demonstrate proficiency in basic life support for health care providers;
- (4) Demonstrate successful completion of the National Registry of Emergency Medical ~~[[Technicians]]~~ emergency medical technician cognitive examination and National Registry of Emergency Medical ~~[[Technicians]]~~ psychomotor examination;
- (5) Pay any fees assessed in amounts equivalent to fees paid by emergency medical technicians pursuant to section 16-53-21.5, Hawaii Administrative Rules; and
- (6) Meet any other requirements determined by the Hawaii medical board.

(c) Any emergency medical technician 1 licensed under this part shall document care in a pre-hospital emergency medical records system compatible with the emergency medical services system’s pre-hospital medical records system. Emergency medical technicians 1 shall:

- (1) Practice under a physician or osteopathic physician licensed pursuant to this chapter; and
- (2) Restrict their scope of practice to the performance of basic emergency medical care of patients.

~~[(d) Licensure under this section is limited to individuals whose practice is performed in a county with a population of 500,000 or greater.]”~~

SECTION 3. Statutory material to be repealed is bracketed and stricken.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 66

S.B. NO. 2274

A Bill for an Act Relating to the Center for Nursing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 198, Session Laws of Hawaii 2003 (Act 198), established the Hawaii state center for nursing to collect and analyze data and prepare and disseminate written reports and recommendations regarding the current and future status and trends of the nursing workforce; conduct research on best practices and quality outcomes; develop a plan for implementing strategies to recruit and retain nurses; and research, analyze, and report data related to the retention of the nursing workforce. Act 198 also requires nurses to fund the activities of the Hawaii state center for nursing through an additional fee assessed upon the issuance and renewal of each nurse license.

The purpose of this Act is to increase the center for nursing fee from \$40 to \$60 per licensing biennium.

SECTION 2. Section 457-9.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“~~[(a)]~~ Upon the issuance of a new license and at each license renewal period, each nurse shall pay an additional fee of ~~[\$40;]~~ \$60, which shall be depos-

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ited in a separate account in the compliance resolution fund established pursuant to section 26-9(o).”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 67

S.B. NO. 2280

A Bill for an Act Relating to Dental Assistants.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, according to a 2016 report by the department of health, nearly one in four third graders in Hawaii has untreated tooth decay, the highest rate in the nation. More than sixty per cent of all children in Hawaii lack protective dental sealants, which are a safe and cost-effective intervention to prevent tooth decay in molar teeth.

The legislature further finds that this lack of access to sufficient dental care has led to devastating health outcomes among children, especially those in Native Hawaiian and Pacific Islander communities. The high rate of tooth decay among Hawaii’s keiki can lead to significant pain that interferes with daily activities, such as eating, learning, and socializing. Untreated cavities also increase the risk of more serious infection in the mouth and body.

The legislature also finds that the State lacks adequate and accessible dental public health infrastructure, especially on the neighbor islands. The 2015 Hawaii Oral Health Key Findings report by the department of health suggests multiple strategies to address the lack of adequate dental public health infrastructure, including the development of community and school-based dental disease prevention programs for all age groups, continued support and expansion of affordable and accessible preventive dental care services to the State’s low-income population, and further exploration of innovative, evidence-based strategies to expand access to underserved, high-risk populations.

The legislature additionally finds that dental assistants could play an important role in improving access to dental health care across the State. Although the Hawaii Dental Practice Act allows dental hygienists to practice under the general supervision of a dentist in public health settings, dental assistants are prohibited from providing auxiliary support except under direct supervision. This undermines the efficacy of dental assistants in public health settings and limits the reach and sustainability of community dental programs.

The legislature further finds that, according to the Oral Health Workforce Research Center, eight states, including Alaska, Arizona, Maine, Maryland, Nebraska, New Mexico, Oregon, and Wyoming, allow dental assistants to perform some tasks under indirect or general supervision without licensure, registration, or representation on the state board of dentistry. Allowing dental assistants to provide limited, but essential, auxiliary support under general supervision while in public health settings would contribute to the development and sustainable implementation of community-based dental disease prevention programs. This would also expand providers’ ability to offer adequate and accessible oral health services to rural communities and the State’s most vulnerable residents.

The purpose of this Act is to allow dental assistants to perform limited, essential duties under the general supervision of a dentist in public health settings.

SECTION 2. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§448- Supervision in public health settings. (a) A dental assistant may operate under the general supervision of any dentist licensed under this chapter to provide auxiliary support dental services in a public health setting.

(b) General supervision shall be permitted in a public health setting; provided that:

- (1) The supervising dentist is licensed under this chapter and available for consultation;
- (2) The dental assistant is working under the direction of a dental hygienist licensed under chapter 447; and
- (3) The licensed dental hygienist is under the supervision of a licensed dentist.

(c) A dental assistant working under the general supervision of a licensed dentist and the direction of a licensed dental hygienist who is under the general supervision of a licensed dentist may perform the following supportive dental procedures:

- (1) Taking intra-oral and extra-oral photographs, and recording or charting clinical findings as directed by the licensed dental hygienist;
- (2) Exposing, processing, mounting, and labeling radiographs;
- (3) Measuring and recording vital signs;
- (4) Assisting the licensed dental hygienist who is performing a dental procedure on a patient, such as:
 - (A) Preparing procedural trays and armamentaria;
 - (B) Retracting a patient’s oral tissues to maintain the field of operation during a dental procedure;
 - (C) Removing debris, as is normally created and accumulated during or after dental procedures by the licensed dental hygienist; and
 - (D) Transferring dental instruments or any other concept of four-handed dentistry the licensed dental hygienist requires to perform the procedure; and
- (5) Assisting the licensed dental hygienist in the performance of the duties of the dental hygienist as requested; provided that the assistance does not include procedures listed in Hawaii Administrative Rules, sections 16-79-69.5 and 16-79-69.10;

provided that the dental assistant, licensed dental hygienist, and licensed dentist are providing dental services in a public health setting.

(d) The supervising licensed dentist shall be responsible for all delegated acts performed by the dental assistant.

(e) As used in this section, “public health setting” has the same meaning as defined in section 447-3.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Electrical Contractors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii has an aging electrical infrastructure. According to the American Society of Civil Engineers' 2019 Hawaii Infrastructure Report Card, outages in Hawaii are mainly caused by equipment deterioration, cable faults, automobile accidents, or vegetation. Although significant capital investments have been made to upgrade and strengthen utility poles, lines, and equipment against the increasingly frequent severe storms in recent years, over half of the existing infrastructure is more than forty years old and soon will be approaching the end of its expected life cycle. The security and resilience of Hawaii's critical electrical infrastructure are fundamental to the health and welfare of the State's residents, visitors, and employees. Recent weather events have further highlighted the importance of a resilient electrical grid and the restoration of electricity in a safe and efficient manner.

The legislature further finds that the construction and maintenance of overhead high voltage power lines with distribution and transmission voltages require the specialized skills of electrical workers, such as journeymen linemen, foremen, and general foremen, each of whom is a trained and certified journeyman lineman. To address the need for individuals qualified to work with high voltage power lines, the legislature enacted Act 65, Session Laws of Hawaii 2013, which provided a limited exemption from electrician licensing requirements for individuals employed by electrical contractors who are retained by a public utility within the State to perform high voltage work for the public utility and who are deemed qualified by the public utility. Although the legislature later extended the law for five more years through Act 60, Session Laws of Hawaii 2018 (Act 60), Act 60 sunsets on June 30, 2023. Continued maintenance of the aging electrical infrastructure is needed to keep Hawaii's grid resilient. The legislature also finds that as Hawaii continues to experience a shortage of electricians, splicers, and linemen in the State who are experienced and qualified to work with high voltage, it is necessary to further extend the limited exemption from licensing requirements for qualified electricians.

The purpose of this Act is to:

- (1) Extend until June 30, 2027, the limited exemption from licensing requirements for qualified electricians that was originally enacted by Act 65, Session Laws of Hawaii 2013, and extended pursuant to Act 60, Session Laws of Hawaii 2018; and
- (2) Require public utilities to submit to the board of electricians and plumbers annual reports relating to high voltage work.

SECTION 2. Section 448E-13, Hawaii Revised Statutes, is amended to read as follows:

“§448E-13 Exemption of public utility and community antennae television company personnel[-]; annual reports. (a) The following persons shall be exempt from this chapter:

- (1) All employees of a public utility within the State under a franchise or charter granted by the State ~~[which]~~ that is regulated by the public utilities commission and community antennae television company, while so employed; and
- (2) Employees of an electrical contractor duly licensed under chapter 444; provided that:

- (A) ~~[Such]~~ The contractor is retained by a public utility within the State under a franchise or charter granted by the State ~~[which]~~ that is regulated by the public utilities commission to perform high voltage ~~[(six hundred volts or higher)]~~ electrical work for the public utility; ~~[and]~~
- (B) After solicitation of a request for proposal to licensed contractors specifying the high voltage work requested, the public utility certifies to the board that no electricians, including electricians employed by C-62 pole and line or C-63 high voltage electrical contractors, responded to the request for proposal who were:
- (i) Sufficiently qualified and licensed in the State; and
 - (ii) Available and able to perform or timely complete the high voltage electrical work or task,
before the contractor hired by the public utility recruited qualified electricians outside the State; provided further that the public utility shall make its request for proposals available through its website in an electronic format to C-62 pole and line and C-63 high voltage electrical contractors;
- (C) The public utility submits an annual report to the board covering the preceding calendar year that identifies, at a minimum:
- (i) The number of qualified contractors the public utility employed to perform high voltage electrical work; and
 - (ii) The number of requests for proposals solicited for high voltage work;
- ~~[(B) Such]~~ (D) The employees are deemed qualified by the public utility to perform ~~[such]~~ high voltage electrical work; and
- (E) The exemption is limited to the use by a public utility for high voltage electrical workers who perform electric transmission and distribution line construction, maintenance, and connection to substation work;
provided further that in no circumstance shall ~~[such]~~ the persons be less qualified than the public utility's own employees ~~[that]~~ who perform ~~[such]~~ high voltage electrical work.
- (b) Persons retained by a public utility pursuant to ~~[[~~subsection~~]]~~ (a)(2) shall be exempt from the provisions of section 444-9.5.
- (c) For purposes of this section, "high voltage" means six hundred volts or higher."

SECTION 3. Act 65, Session Laws of Hawaii 2013, section 4, as amended by Act 60, Session Laws of Hawaii 2018, section 2, is amended to read as follows:

"SECTION 4. This Act shall take effect upon its approval; provided that on June 30, ~~[2023-]~~ 2027, this Act shall be repealed and section 448E-13, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act."

SECTION 4. Act 60, Session Laws of Hawaii 2018, is amended by amending section 3 to read as follows:

"SECTION 3. The board of electricians and plumbers shall submit reports to the legislature no later than twenty days prior to the convening of the

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regular sessions of 2019, 2020, 2021, 2022, [and] 2023[-], 2024, 2025, 2026, and 2027. The reports shall include but not be limited to the following:

- (1) Any programs in the State that offer vocational training for licensed electricians to perform high voltage electrical work;
- (2) Availability of continuing education, training, or both, necessary for licensed electricians to acquire or keep current those skills related to performing high voltage work;
- (3) The number of licensed electricians in the State qualified to perform high voltage electrical work; and
- (4) Opportunities for growth in the high voltage work subspecialty.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2022; provided that, notwithstanding the repeal and reenactment provision in section 4 of Act 65, Session Laws of Hawaii 2013, as amended by section 2 of Act 60, Session Laws of Hawaii 2018, and this Act, subsection (c) of section 448E-13, Hawaii Revised Statutes, as added by section 2 of this Act, shall not be repealed when that section is reenacted on June 30, 2027, pursuant to section 4 of Act 65, Session Laws of Hawaii 2013, as amended by this Act.

(Approved June 17, 2022.)

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S.B. NO. 2685

A Bill for an Act Relating to Planned Community Associations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 421J, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“**§421J-A Cumulative voting for directors.** (a) If the association documents provide for cumulative voting by members, members may so vote, by multiplying the number of votes the members are entitled to cast by the number of positions for whom they are entitled to vote, and cast the product for a single candidate or distribute the product among two or more candidates. The candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected, and shall be given the longest term.

(b) Unless otherwise provided in the association documents, cumulative voting shall not be permitted.

(c) A director elected by cumulative voting may be removed by the members with or without cause if the requirements of section 421J-B are met.

§421J-B Removal of directors elected by members or directors. (a) The members may remove a director elected by the members with or without cause unless otherwise provided in the association documents. If the removal is successful, the replacement director shall be elected for the remainder of the removed director’s term in accordance with all applicable requirements and procedures in the association documents and this chapter. If the replacement director is not elected at the meeting in which the removal occurred, notwithstanding anything to the contrary in the association documents, the board may fill vacancies to serve until the next annual or duly noticed special meeting of the association.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping.

(c) Except as provided in subsection (i), a director may be removed under subsection (a) or (b) only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors.

(d) If cumulative voting is authorized at the meeting, the director may not be removed if the number of votes, or if the director was elected by a class, chapter, unit, or grouping of members, the number of votes of that class, chapter, unit, or grouping, sufficient to elect the director under cumulative voting is against the director's removal.

(e) A director elected by members may be removed by the members at any regular or special meeting; provided that:

- (1) The board of directors recommends removal of the director; or
- (2) A member delivers to the secretary of the association or managing agent a petition for removal of the director that:
 - (A) Is signed by members representing at least one hundred units or members who own at least twenty-five per cent of the total number of units in the planned community, whichever is less;
 - (B) Contains the printed name, identification of the unit, address of the signing members, and dates of their signatures;
 - (C) Is delivered within seven days after the posting of a notice of intent to distribute proxies that includes the election of directors in accordance with section 421J-4(e), or within seven days after the posting of a notice of intent to distribute a notice of a meeting under section 421J-3.5(f); and
 - (D) Is submitted within one hundred twenty days of the earliest signature.

(f) If the board of directors recommends removal, or if a timely petition is delivered to the secretary of the association or managing agent, the secretary or managing agent shall include the proposed removal in the notice of the meeting.

(g) In computing whether a director is protected from removal under subsections (b) through (d), it shall be assumed that the votes against removal of the director are cast in an election for the number of directors to the class to which that director belonged at the meeting at which the removal is proposed.

(h) An entire board of directors may be removed pursuant to subsections (a) through (c).

(i) If, at the beginning of a director's term on the board, the association documents provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal."

SECTION 2. Section 414D-114, Hawaii Revised Statutes, is amended to read as follows:

“§414D-114 Cumulative voting for directors. (a) If the articles or bylaws provide for cumulative voting by members, members may so vote, by multiplying the number of votes the members are entitled to cast by the number of directors for whom they are entitled to vote, and cast the product for a single candidate or distribute the product among two or more candidates.

(b) Unless otherwise provided in the articles or bylaws, cumulative voting shall not be permitted. If authorized in the articles or bylaws, cumulative voting may be permitted; provided that:

- (1) The meeting notice or statement accompanying the notice states that cumulative voting shall take place;

(2) A member gives notice of the member's intent to cumulatively vote not less than forty-eight hours before the meeting or ~~[such]~~ a longer period as may be required by the articles or bylaws; and

(3) If one member gives notice of intent to cumulatively vote, all other members participating in the election may cumulate their votes without giving further notice.

(c) A director elected by cumulative voting may be removed by the members without cause if the requirements of section 414D-138 are met unless the votes cast against removal or not consenting in writing to the removal would be sufficient to elect the director if voted cumulatively at an election at which the same total number of votes were cast and the entire number of directors authorized at the time of the director's most recent election were then being elected; provided that if the action is taken by ballot, all members entitled to vote had voted.

(d) Members may not cumulatively vote if the directors and members are identical.

(e) This section shall not apply to any planned community association governed by chapter 421J."

SECTION 3. Section 414D-138, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~414D-138 Removal of directors elected by members or directors.

(a) The members may remove one or more directors elected by them without cause unless otherwise provided in the articles or bylaws.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping.

(c) Except as provided in subsection (i), a director may be removed under subsection (a) or (b) only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors.

(d) If cumulative voting is authorized, a director may not be removed if the number of votes, or if the director was elected by a class, chapter, unit, or grouping of members, the number of votes of that class, chapter, unit, or grouping, sufficient to elect the director under cumulative voting is voted against the director's removal.

(e) A director elected by members may be removed by the members only at a meeting called for the purpose of removing the director and the meeting notice ~~[must]~~ shall state that the purpose, or one of the purposes, of the meeting is removal of the director.

(f) In computing whether a director is protected from removal under subsections (b) to (d), it ~~[should]~~ may be assumed that the votes against removal of the director are cast in an election for the number of directors of the class to which ~~[the]~~ that director ~~[to be removed]~~ belonged on the date of that director's election.

(g) An entire board of directors may be removed under subsections (a) to (e).

(h) A director elected by the board may be removed without cause by the vote of two-thirds of the directors then in office or ~~[such]~~ a greater number as is set forth in the articles or bylaws; provided that a director elected by the board to fill the vacancy of a director elected by the members may be removed without cause by the members, but not the board.

(i) If, at the beginning of a director's term on the board, the articles or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the

specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal.

(j) This section shall not apply to any planned community association governed by chapter 421J.”

SECTION 4. Section 421J-3.5, Hawaii Revised Statutes, is amended to read as follows:

“**§421J-3.5 Notice required; regular, annual, and special meetings.** (a) Not less than fourteen days in advance of any regular, annual, or special meeting of an association, the secretary or other officer specified in the bylaws shall give written notice of the meeting to each member of the association as provided in the bylaws of the association or by two or more of the following means:

- (1) Hand delivery;
- (2) United States mail sent to the mailing address of each unit or to another mailing address designated in writing by the association member;
- (3) Electronic mail to the electronic mailing address designated in writing by the association member; or
- (4) Posting of the meeting notice in its entirety on a portion of the association’s website that is accessible to all members.

(b) Notice pursuant to ~~[this section]~~ subsection (a) shall state:

- (1) The date, time, and place of the meeting; and
- (2) The items on the agenda, including the general nature of and rationale for any proposed amendment to the declaration or bylaws; any proposal for a special assessment, unless the authority for a special assessment is otherwise provided for in the association’s governing documents; and any proposal to remove a member of the board.

(c) The requirements of this section shall not be interpreted to preclude any association member from proposing an amendment to the declaration or bylaws ~~[or proposing to remove a member of the board at an association meeting]~~.

(d) The requirements of this section shall not be interpreted to apply to any board meetings or committee meetings of a planned community association.

(e) Notwithstanding any provision to the contrary in the association documents, the association may conduct an annual, regular, or special meeting remotely in a manner consistent with section 414D-101(g) or 414D-102(f), as applicable.

(f) If the board of directors does not intend to use association funds to distribute proxies that include the election of directors and therefore does not post notice pursuant to section 421J-4(e), the board shall post notice in prominent locations within the planned community of its intent to distribute written notice of an association meeting at least twenty-one days in advance of distributing written notice under subsection (a).”

SECTION 5. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on January 1, 2023.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Cryptocurrency.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) There is established the blockchain and cryptocurrency task force to be placed within the department of commerce and consumer affairs for administrative purposes.

(b) The task force shall consist of the following members:

- (1) One member of the senate and one member of the house of representatives, who shall be appointed by the president of the senate and speaker of the house of representatives, respectively, and who shall serve as co-chairpersons of the task force;
 - (2) The director of finance, or the director's designee;
 - (3) The director of commerce and consumer affairs, or the director's designee;
 - (4) The commissioner of financial institutions, or the commissioner's designee;
 - (5) A president or chief financial officer of a Hawaii-based cryptocurrency company, who shall be appointed by the governor;
 - (6) A representative from a Hawaii-based bank or financial institution, who shall be appointed by the speaker of the house of representatives;
 - (7) A representative of a Hawaii-based cryptocurrency exchange, who shall be appointed by the president of the senate;
 - (8) A representative of a blockchain payments solution company, who shall be appointed by the governor;
 - (9) A professor from the University of Hawaii who specializes in digital currency, who shall be appointed by the president of the University of Hawaii;
 - (10) A representative of a company with a business model that uses blockchain for non-cryptocurrency transaction purposes, who shall be appointed by the speaker of the house of representatives;
 - (11) A representative of a blockchain or cryptocurrency association, who shall be appointed by the president of the senate;
 - (12) A representative of a blockchain or cryptocurrency security community, who shall be appointed by the governor;
 - (13) A representative of the blockchain or cryptocurrency legal community, who shall be appointed by the governor; and
 - (14) One member of the public who shall be appointed by the governor.
- (c) The task force shall:
- (1) Meet as often as the co-chairpersons deem necessary, which may include conducting meetings via interactive conference technology;
 - (2) Review data and other aspects of the blockchain and cryptocurrency industry throughout the country, including but not limited to the development of a plan to expand blockchain adoption in both the private and public sectors, to be regulated within the jurisdiction and purview of the department of commerce and consumer affairs;
 - (3) Recommend appropriate licensure requirements and a regulatory framework for this new evolving industry;
 - (4) Observe and monitor the past and current activities of the Hawaii digital currency innovation lab, a "sandbox" program conducted by

- department of commerce and consumer affairs' division of financial institutions and Hawaii technology development corporation;
- (5) Analyze how the current framework of the Hawaii digital currency innovation lab fits into the State's financial environment;
 - (6) Consider aspects of the Hawaii digital currency innovation lab that may be effective and practical in the implementation of the recommended regulatory framework;
 - (7) Compile an overview of potential legislation;
 - (8) Solicit ideas and opinions of industry experts on additional legislation; and
 - (9) Submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024, at which point the task force shall dissolve.
- (d) The members of the task force shall not be compensated for their services, but shall be reimbursed for necessary expenses, including travel expenses, incurred while participating in meetings and events approved by the co-chairpersons. No member of the task force shall be made subject to chapter 84, Hawaii Revised Statutes, solely because of the member's participation in the task force.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 71

S.B. NO. 2798

A Bill for an Act Relating to Veterinary Medicine.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 471, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

“§471-A Courtesy permit. (a) The board may issue a courtesy permit to an individual licensed to engage in the practice of veterinary medicine in another jurisdiction. A courtesy permit issued pursuant to this section shall be valid for a period of thirty days and may be renewed once in any twelve-month period; provided that any courtesy permit issued and renewed pursuant to this section shall not exceed sixty total days in any twelve-month period; provided further that a courtesy permittee's request for more than two courtesy permits within a two-year period shall constitute prima facie evidence that the courtesy permittee is engaged in the active practice of veterinary medicine in the State and a license issued under section 471-9 shall be required.

(b) Applicants for a courtesy permit shall:

- (1) Hold a current, unencumbered, and active license to engage in the practice of veterinary medicine in another jurisdiction;
- (2) Incidental to the person's practice in another jurisdiction, desire to engage in the practice of veterinary medicine in the State on a temporary, not permanent or recurring, basis; and
- (3) Have a sponsor.

(c) A courtesy permittee shall:

- (1) Consent to the personal and subject matter jurisdiction and disciplinary authority of the board;

- (2) Practice under the level of direct or indirect supervision determined by the sponsor;
- (3) Not practice independently of the sponsor within the State;
- (4) Comply with this chapter and rules adopted by the board;
- (5) Cease to offer or render veterinary services in the State as an individual and on behalf of the sponsor if:
 - (A) The courtesy permittee's license or practice in the other jurisdiction is no longer current and active; or
 - (B) The courtesy permittee's license or practice has been limited or conditioned in any jurisdiction, including the courtesy permittee's principal place of business;
- (6) Notify the board within fifteen days if:
 - (A) Any disciplinary action or board proceeding relating to the courtesy permittee's license is commenced in any jurisdiction; or
 - (B) The courtesy permittee is convicted of any criminal offense in any jurisdiction or foreign country; and
- (7) Pay all costs associated with any jurisdiction's investigation, enforcement, and collection efforts pertaining to the courtesy permit issued pursuant to this section, as may be ordered by the board.
- (d) In no case shall an individual be issued a courtesy permit and a relief permit in the same twelve-month period.

§471-B Relief permit. (a) The board may issue a relief permit to an individual licensed to engage in the practice of veterinary medicine in another jurisdiction to conduct the practice of a veterinarian who is absent from the veterinarian's practice. A relief permit issued pursuant to this section shall be valid for a period of thirty days and may be renewed once in any twelve-month period; provided that any relief permit issued and renewed pursuant to this section shall not exceed sixty total days in any twelve-month period. A relief permit may be renewed in a subsequent twelve-month period. More than two requests for relief permits within a two-year period shall be prima facie evidence that the relief permittee is engaged in the active practice of veterinary medicine in the State and a license issued under section 471-9 shall be required.

- (b) Applicants for a relief permit shall:
 - (1) Hold a current, unencumbered, and active license to engage in the practice of veterinary medicine in another jurisdiction;
 - (2) Incidental to the person's practice in another jurisdiction, desire to engage in the practice of veterinary medicine in the State on a temporary, not permanent or recurring, basis; and
 - (3) Have a sponsor; provided that the sponsor shall not be required to be physically present on the same island.
- (c) A relief permittee shall:
 - (1) Consent to the personal and subject matter jurisdiction and disciplinary authority of the board;
 - (2) Not practice independently of the sponsor within the State;
 - (3) Comply with this chapter and rules adopted by the board;
 - (4) Cease to offer or render veterinary services in the State as an individual and on behalf of the sponsor if:
 - (A) The relief permittee's license or practice from the other jurisdiction is no longer current and active; or
 - (B) The relief permittee's license or practice has been limited or conditioned in any jurisdiction, including the relief permittee's principal place of business;
 - (5) Notify the board within fifteen days if:

- (A) Any disciplinary action or board proceeding relating to the relief permittee's license is commenced in any jurisdiction; or
- (B) The relief permittee is convicted of any criminal offense in any jurisdiction or foreign country; and
- (6) Pay all costs associated with any jurisdiction's investigation, enforcement, and collection efforts pertaining to the relief permit issued pursuant to this section, as may be ordered by the board.
- (d) In no case shall an individual be issued a relief permit and a courtesy permit in the same twelve-month period.

§471-C Sponsors; responsibilities. For the purposes of this chapter and rules adopted by the board, a sponsor shall be responsible for:

- (1) Determining the level of supervision required for the sponsored individual;
- (2) The veterinary care given to the animal patient by the sponsored individual;
- (3) Ensuring that the board has been notified in writing; and
- (4) Confirming that the sponsored individual has obtained the appropriate courtesy permit or relief permit from the board.

§471-D Veterinary telemedicine. (a) A veterinarian shall only practice veterinary telemedicine within the context of the veterinarian-client-patient relationship between medically necessary examinations of an animal patient or medically appropriate and timely visits to the premises where the animal patient is kept.

(b) Only a veterinarian licensed in the State shall provide veterinary telemedicine to an animal patient located in the State.

(c) When practicing veterinary telemedicine, a veterinarian shall:

- (1) Conduct all necessary animal patient evaluations consistently with currently acceptable standards of care;
- (2) Take appropriate precautions to safeguard the confidentiality of a client's or animal patient's records;
- (3) Ensure that the client is aware of the veterinarian's identity, location, license number, and licensure status; and
- (4) Maintain appropriate medical records with sufficient information for continued care that are readily available upon request by the client.

(d) Prescribing medications via veterinary telemedicine shall require a veterinarian-client-patient relationship and shall be at the professional discretion of the veterinarian. The indication, appropriateness, and safety considerations for each prescription issued in association with veterinary telemedicine services shall be evaluated by the veterinarian in accordance with all jurisdictional and federal laws and standards of care.

(e) A veterinarian may provide veterinary teleadvice or veterinary teletriage without the prior establishment of a veterinarian-client-patient relationship. An expert with a poison control agency who is not a veterinarian may provide veterinary teletriage.

(f) A veterinarian may provide veterinary telesupervision for tasks that do not require direct supervision as specified by rules adopted by the board.

(g) Veterinary telemedicine shall constitute the practice of veterinary medicine in the State when the individual practicing veterinary telemedicine or the animal patient are in the State. The board shall have jurisdiction over an individual practicing veterinary telemedicine within the State regardless of where the veterinarian's physical offices are located.

(h) Nothing in this section shall be construed to alter federal or state requirements and standards for the issuance of Certificates of Veterinary Inspection or health certificates.

§471-E Permit surcharge; fees. (a) There shall be imposed on every courtesy permit and relief permit issued by the board pursuant to sections 471-A and 471-B a \$100 surcharge that shall be deposited into the compliance resolution fund established under section 26-9(o) to defray the costs incurred by the department in administering those permits.

(b) Application fees paid pursuant to this chapter shall not be refundable. Pursuant to section 26-9(l), the director of commerce and consumer affairs shall establish examination, reexamination, license, renewal, restoration, enforcement, and other fees relating to the administration of this chapter by rule.”

SECTION 2. Section 471-1, Hawaii Revised Statutes, is amended as follows:

1. By adding twelve new definitions to be appropriately inserted and to read:

““Client” means the animal patient’s owner, owner’s agent, or other person presenting the animal patient for care.

“Consultation” means when a veterinarian seeks and receives advice in person, telephonically, electronically, or by any other method of communication from another veterinarian or other person whose expertise, in the opinion of the veterinarian, would benefit an animal patient.

“Emergency response” means the response to a natural or human-caused disaster.

“Indirect supervision” means the veterinarian is not on the premises, but:

- (1) Has given either written or oral instructions for treatment of the animal patient;
- (2) Is readily available by telephone or other forms of immediate communication; and
- (3) Has assumed responsibility for the veterinary care given to the animal patient by a person working under their sponsorship.

“Jurisdiction” means another state, the District of Columbia, or any territory of the United States, or any province of Canada.

“Patient” or “animal patient” means any animal or group of animals receiving veterinary care from a veterinarian.

“Sponsor” means a veterinarian who requests the presence and medical assistance of an individual licensed to engage in the practice of veterinary medicine in another jurisdiction.

“Veterinarian-client-patient relationship” means a relationship that exists when:

- (1) The veterinarian and client agree for the veterinarian to assume responsibility for making medical judgments regarding the health of the animal patient;
- (2) The veterinarian has sufficient knowledge of the animal patient to initiate a general or preliminary diagnosis of the medical condition of the animal patient, which means that the veterinarian is personally acquainted with the keeping and care of the animal patient and has recently physically examined the animal patient or made timely and medically appropriate visits to the premises where the animal patient is kept;
- (3) The veterinarian is readily available or provides for follow-up care and treatment in case of adverse reactions or failure of the therapy regimen; and

- (4) The veterinarian maintains records that document animal patient visits, consultations, diagnosis and treatment, and other relevant information required under this chapter.

“Veterinarian-client-patient relationship” includes the provision of on-call or cross-coverage services by a veterinarian who has been designated by a veterinarian with an existing veterinarian-client-patient relationship and has access to relevant animal patient records.

“Veterinary teleadvice” means the provision of health information, opinion, guidance, or recommendations that are not specific to a particular animal through the use of electronic communication, including telephone and audio-visual technology.

“Veterinary telemedicine” means the practice of veterinary medicine subsequent to the establishment of a veterinarian-client-patient relationship where animal patient care, treatment, and services are provided through the use of electronic communication, including telephone and audio-visual technology, consistent with the veterinarian’s professional judgment.

“Veterinary telesupervision” means the remote supervision of a veterinary assistant, veterinary technician, or other employee of a veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a veterinarian.

“Veterinary triage” means using electronic communication with a client, including through a poison control agency, to provide a timely assessment and decision as to whether to immediately refer an animal patient to a veterinarian for emergency or urgent care.”

2. By amending the definition of “practice of veterinary medicine” to read:

“Practice of veterinary medicine” means the assessment, diagnosis [ø], treatment, or prescribing for the prevention, cure, or relief of, or the giving of advice concerning, a disease, pain, injury, deformity, or other [physical] condition of an animal, or a change of a physical characteristic of an animal for cosmetic or utility purposes. [H] “Practice of veterinary medicine” includes medical, surgical, and dental care of animals.”

SECTION 3. Section 471-2, Hawaii Revised Statutes, is amended to read as follows:

“§471-2 License required. No person shall engage in the practice of veterinary medicine, either gratuitously or for pay, or shall offer to so practice, or shall announce or advertise, publicly or privately, as prepared or qualified to so practice, or shall append the letters “Dr.” or affix any other letters to the person’s name with the intent thereby to imply that the person is a practitioner of veterinary medicine, without having a valid unrevoked license obtained from the Hawaii board of veterinary medicine; provided that nothing in this chapter prevents or prohibits the following:

- (1) Any person from gratuitously treating animals in case of emergency;
- (2) The owner of any animal or animals and the owner’s full-time, regular employees from caring for and treating any animals belonging to the owner;
- (3) Any student enrolled in any veterinary school or college or any employee of a veterinarian from working under the direct supervision of a veterinarian;
- (4) Any person from practicing veterinary medicine in the employ of the United States government while engaged in the performance of the person’s official duties;

- (5) Any person licensed to engage in the practice of veterinary medicine in any [~~state, or any certified scientist or professional in animal care,~~] jurisdiction, from practicing in [~~this~~] the State when in [~~actual~~] consultation with [~~or under the sponsorship of~~] veterinarians of this State; provided that the [~~person licensed from another state, or the certified scientist or professional in animal care,~~] shall not open an office, or appoint a place to meet patients, or receive calls within the limits of the State;] veterinarian receiving consultation shall maintain the veterinarian-client-patient relationship;
- (6) Any farmer from giving to another farmer the assistance customarily given in the ordinary practice of animal husbandry; [~~or~~]
- (7) Any applicant who meets the licensing requirements of practicing veterinary medicine under a veterinarian by temporary permit; provided the applicant applies for and takes the [~~first~~] examination scheduled by the board. [~~A~~] The temporary permit shall not be renewed[.];
- (8) An individual licensed to engage in the practice of veterinary medicine in another jurisdiction from practicing in the State under a sponsor and indirect supervision of a veterinarian as part of an emergency response or enforcement action pursuant to chapter 711; provided that the sponsor shall file notification with the board regarding the arrival of the sponsored individual; provided further that the sponsored individual shall serve in an emergency capacity for no longer than twenty-one consecutive days; or
- (9) Any person who has obtained a courtesy permit or relief permit pursuant to sections 471-A and 471-B from practicing in the State.”

SECTION 4. Section 471-8, Hawaii Revised Statutes, is amended to read as follows:

“§471-8 Examinations; qualifications of applicants. (a) No person shall be licensed to engage in the practice of veterinary medicine unless the person has passed an examination of the qualifications and fitness to engage in the practice of veterinary medicine given by the Hawaii board of veterinary medicine. Before any applicant shall be eligible for examination under this chapter the applicant, at least sixty days before the date set for examination, shall file an application in the form as shall be prescribed by the board, pay to the department of commerce and consumer affairs application and examination fees, and furnish proof satisfactory to the board that the applicant:

- (1) Is eighteen or more years of age; and
- (2) Is a graduate of [a]:
 - (A) A veterinary college meeting all the standards established by the American Veterinary Medical Association[.] Council on Education, or, in lieu thereof, has actively practiced for ten out of twelve years immediately preceding the date of application in a state having standards for licensing comparable to those in this State[.]; or
 - (B) A foreign college of veterinary medicine who has successfully completed the requirements established by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence.

(b) Examinations shall be given by the board [~~twice each year except when there are no applications pending. They~~], which shall be composed of

written questions, a part of which shall consist of those aspects of veterinary medicine common to the State on toxic substances, parasite diseases, unique soil conditions, and quarantine standards. The same questions shall be given to each person being examined during a particular examination. The subject matter of the examinations shall embrace the subjects and demonstrations of practical ability normally covered in the curricula of American veterinary colleges. The form of the examination shall be determined by the board. Applicants shall certify on the application that they have read, understood, and agree to comply with the laws and rules that the board determines are required for licensure.

The requirements imposed by this section shall not be a bar to renewal, reissuance, or restoration of any license issued prior to May 13, 1949.

- (c) A temporary permit may be issued subject to the following conditions:
- (1) An applicant is a graduate of:
 - (A) A veterinary college meeting all the standards established by the American Veterinary Medical Association Council on Education; or
 - (B) A foreign college of veterinary medicine who has successfully completed the requirements established by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence;
 - (2) Veterinarians licensed by another state board of veterinary medicine;
 - (3) The temporary permittee shall practice veterinary medicine only under the supervision of a veterinarian licensed to practice in Hawaii who holds a current, unencumbered, active license. At all times when the temporary permittee is engaged in the practice of veterinarian medicine, the licensed veterinarian shall be physically present on the same island as the temporary permittee and must be available on a daily basis for consultation with the permittee;
 - (4) Only one permit, which shall be nonrenewable, shall be issued to an applicant;
 - (5) The temporary permit shall be valid until the results of the Hawaii state board examination taken by the permittee are known; provided, that failure of the Hawaii state board exam, the National Board Examination, or Clinical Competency Test shall immediately terminate the temporary permit; and
 - (6) In any event, no permit shall be valid for longer than twenty-four months.”

SECTION 5. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval; provided that sections 471-A and 471-B, Hawaii Revised Statutes, as established by section 1 of this Act shall take effect on July 1, 2024.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Franchise Tax.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (o) to read as follows:

“(o) Every person licensed under any chapter within the jurisdiction of the department of commerce and consumer affairs and every person licensed subject to chapter 485A or registered under chapter 467B shall pay upon issuance of a license, permit, certificate, or registration a fee and a subsequent annual fee to be determined by the director and adjusted from time to time to ensure that the proceeds, together with all other fines, income, and penalties collected under this section, do not surpass the annual operating costs of conducting compliance resolution activities required under this section. The fees may be collected biennially or pursuant to rules adopted under chapter 91, and shall be deposited into the special fund established under this subsection. Every filing pursuant to chapter 514E or section 485A-202(a)(26) shall be assessed, upon initial filing and at each renewal period in which a renewal is required, a fee that shall be prescribed by rules adopted under chapter 91, and that shall be deposited into the special fund established under this subsection. Any unpaid fee shall be paid by the licensed person, upon application for renewal, restoration, reactivation, or reinstatement of a license, and by the person responsible for the renewal, restoration, reactivation, or reinstatement of a license, upon the application for renewal, restoration, reactivation, or reinstatement of the license. If the fees are not paid, the director may deny renewal, restoration, reactivation, or reinstatement of the license. The director may establish, increase, decrease, or repeal the fees when necessary pursuant to rules adopted under chapter 91. The director may also increase or decrease the fees pursuant to section 92-28.

There is created in the state treasury a special fund to be known as the compliance resolution fund to be expended by the director’s designated representatives as provided by this subsection. Notwithstanding any law to the contrary, and as provided by section 241-7, all revenues, fees, and fines collected by the department shall be deposited into the compliance resolution fund. Unencumbered balances existing on June 30, 1999, in the cable television fund under chapter 440G, the division of consumer advocacy fund under chapter 269, the financial institution examiners’ revolving fund, section 412:2-109, the special handling fund, section 414-13, and unencumbered balances existing on June 30, 2002, in the insurance regulation fund, section 431:2-215, shall be deposited into the compliance resolution fund. This provision shall not apply to the drivers education fund underwriters fee, sections 431:10C-115 and 431:10G-107, insurance premium taxes and revenues, revenues of the workers’ compensation special compensation fund, section 386-151, the captive insurance administrative fund, section 431:19-101.8, the insurance commissioner’s education and training fund, section 431:2-214, the medical malpractice patients’ compensation fund as administered under section 5 of Act 232, Session Laws of Hawaii 1984, and fees collected for deposit in the office of consumer protection restitution fund, section 487-14, the real estate appraisers fund, section 466K-1, the real estate recovery fund, section 467-16, the real estate education fund, section 467-19, the contractors recovery fund, section 444-26, the contractors education fund, section 444-29, the condominium education trust fund, section 514B-71, and the mortgage foreclosure dispute resolution special fund, section 667-86. Any law to the contrary notwithstanding, the director may use the moneys in the

fund to employ, without regard to chapter 76, hearings officers and attorneys. All other employees may be employed in accordance with chapter 76. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the department. The moneys in the fund may be used to train personnel as the director deems necessary and for any other activity related to compliance resolution.

A separate special subaccount of the compliance resolution fund, to be known as the post-secondary education authorization special subaccount, shall be established for fees collected by the department of commerce and consumer affairs pursuant to chapter 305J. The special subaccount shall be governed by section 305J-19.

As used in this subsection, unless otherwise required by the context, “compliance resolution” means a determination of whether:

- (1) Any licensee or applicant under any chapter subject to the jurisdiction of the department of commerce and consumer affairs has complied with that chapter;
 - (2) Any person subject to chapter 485A has complied with that chapter;
 - (3) Any person submitting any filing required by chapter 514E or section 485A-202(a)(26) has complied with chapter 514E or section 485A-202(a)(26);
 - (4) Any person has complied with the prohibitions against unfair and deceptive acts or practices in trade or commerce; or
 - (5) Any person subject to chapter 467B has complied with that chapter;
- and includes work involved in or supporting the above functions, licensing, or registration of individuals or companies regulated by the department, consumer protection, and other activities of the department.

The director shall prepare and submit an annual report to the governor and the legislature on the use of the compliance resolution fund. The report shall describe expenditures made from the fund including non-payroll operating expenses.”

SECTION 2. Section 241-7, Hawaii Revised Statutes, is amended to read as follows:

“§241-7 Disposition of funds. ~~[All taxes collected under this chapter shall be state realizations; provided that, by June 30 of]~~ From the revenues collected under this chapter each fiscal year, the sum ~~[of]~~ representing the first \$2,000,000 of such revenues shall be deposited with the director of finance to the credit of the compliance resolution fund as established pursuant to section 26-9(o)~~[-]~~ before tax credits are realized. Any revenues collected under this chapter in excess of \$2,000,000 at the close of any fiscal year shall be deposited into the general fund.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval; provided that section 2 of this Act shall apply to taxable years beginning after December 31, 2021.

(Approved June 17, 2022.)

A Bill for an Act Relating to the Barbering and Cosmetology Licensing Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
BARBERING AND COSMETOLOGY LICENSING ACT**

§ -1 **Short title.** This chapter may be cited as the Barbering and Cosmetology Licensing Act.

§ -2 **Definitions.** As used in this chapter:

“Adequate sanitary facilities” means toilets located in properly ventilated rooms with doors, hot and cold running water, sinks or wash basins, and other requirements as may be prescribed by rule of the board.

“Apprentice permit” means a permit issued by the board, upon registration and payment of application and registration fees, to a barber apprentice or beauty apprentice.

“Barber” means a person licensed in the State to engage in the practice of barbering for compensation.

“Barber apprentice” means a person registered with the board to learn the practice of barbering within a barber shop or beauty shop and while learning assists in the practice of barbering under the immediate direction and supervision of a barber or beauty operator with the license category of cosmetologist or hairdresser for the hairdresser portion of training.

“Barber school” means a school duly licensed by the department of education and engaged in teaching the practice of barbering.

“Barber shop” means an establishment or a place of business licensed in the State that engages in or carries on the practice of barbering as the primary purpose of that establishment or place of business; provided that the practice of cosmetology is allowed.

“Barber student” means a person enrolled in a barber school who is learning to be a barber and while learning assists in the practice of barbering.

“Beauty apprentice” means a person registered with the board to learn the practice of cosmetology within a barber shop or beauty shop and while learning assists in any of the practices of cosmetology under the immediate direction and supervision of a barber or beauty operator.

“Beauty instructor” means a person licensed in the State who teaches the practice of cosmetology. “Beauty instructor” does not include a beauty operator who teaches a barber apprentice or beauty apprentice in a barber shop or beauty shop.

“Beauty operator” means one of the following license categories: cosmetologist, hairdresser, esthetician, or nail technician.

“Beauty school” means a school licensed in the State to engage in teaching the practice of cosmetology.

“Beauty shop” means an establishment or a place of business licensed in the State that engages in or carries on the practice of cosmetology as the primary purpose of that establishment or place of business; provided that the practice of barbering is allowed.

“Beauty student” means a person enrolled in a beauty school who is learning to be a beauty operator and while learning assists in any of the practices of cosmetology.

“Board” means the board of barbering and cosmetology as established pursuant to section -4.

“Cosmetologist” means a licensed person who engages in the practices of a hairdresser, esthetician, and nail technician for compensation.

“Department” means the department of commerce and consumer affairs.

“Director” means the director of commerce and consumer affairs.

“Esthetician” means a person licensed in the State who, with hands or nonmedically prescribed mechanical or electrical apparatus or devices or by use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any of the following practices:

- (1) Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work on the scalp, face, neck, hands, arms, bust, upper part of the body, legs, or feet;
- (2) Cleansing, exfoliating, wrapping, or doing similar work upon the entire body, without direct contact by the hands and utilizing gloves, loofah mitts, or brushes; or
- (3) Removing superfluous hair about the body of any person by means other than electrolysis.

“Hairdresser” means a person licensed in the State who engages for compensation in any of the following practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, relaxing, or similar work upon the hair of another person.

“Nail technician” means a person licensed in the State who engages for compensation in any of the following practices:

- (1) Cutting, trimming, polishing, coloring, cleansing, or otherwise treating a person’s fingernails and toenails;
- (2) Applying artificial fingernails and toenails; and
- (3) Massaging and cleansing a person’s hands, arms, legs, and feet.

“Practice of barbering” means any of the following practices: shaving, cutting, trimming, singeing, shampooing, arranging, dressing, curling, waving, relaxing, or coloring the hair or beard or applying tonics or other preparation thereto; massaging, cleansing, or applying oils, creams, lotions, or other preparation to the face, scalp, or neck, either by hand or by mechanical appliances.

“Practice of cosmetology”, also known as beauty culture, means the art and science of beauty care of the skin, hair, scalp, and nails, and includes any one or a combination of the beauty operator license categories if they are performed on a person’s head, face, neck, shoulders, arms, hands, bust, upper part of the body, legs, or feet for cosmetic purposes.

“Temporary permit” means a permit allowing an applicant approved for examination to practice as a barber, beauty operator, or beauty instructor under the supervision of a barber, beauty operator, or beauty instructor for one year after the permit’s date of issuance.

§ -3 License or permit required. (a) No person shall for commercial purposes practice as a barber apprentice, beauty apprentice, barber, beauty operator, or beauty instructor; operate a barber shop, beauty shop, or beauty school; or announce or advertise as being prepared or qualified to practice or operate unless the person obtains a license or permit as required by this chapter.

(b) The practice of barbering and practice of cosmetology shall be carried on only by persons holding a license or permit to practice in the State and only in barber shops or beauty shops; provided that nothing in this chapter shall prevent or prohibit a barber to practice barbering or beauty operator to practice cosmetology:

- (1) At any place for educational purposes;

- (2) Upon persons at a health care, nursing, mental, or correctional facility;
- (3) At a charitable event; or
- (4) At a person's private home, office, or hotel room when requested to do so.

(c) All licensees and permittees shall follow the sanitary practices as prescribed by rules of the board and any other sanitary practices or public health guidelines recommended by government agencies to protect the health and safety of the public.

(d) Nothing in this chapter shall be construed to prohibit or restrict the practice of a profession by individuals who are licensed, certified, or registered under the laws of the State who are performing services within their authorized scope of practice.

§ -4 Board of barbering and cosmetology. (a) There is established the board of barbering and cosmetology placed within the department pursuant to section 26-9. The board shall consist of seven members who shall be appointed and may be removed by the governor pursuant to section 26-34, except as otherwise provided by law. The members shall be residents of the State, of which:

- (1) Two members shall possess a current and active license as a barber;
- (2) Two members shall possess a current and active license as a beauty operator; and
- (3) Three members shall be private citizens not connected with the industry.

(b) Board members affiliated with any school teaching the practice of barbering or the practice of cosmetology, or any apprenticeship or other barbering or cosmetology program, shall disclose that affiliation and at all times shall adhere to chapter 84 and the interpretations of chapter 84 by the state ethics commission.

§ -5 Powers and duties of the board. (a) In addition to any other powers and duties authorized by law, the board shall have all the powers necessary to effectuate the purpose of this chapter, including the power to:

- (1) Approve examinations for licensure to engage in the practice of barbering and practice of cosmetology;
- (2) Issue apprentice permits or temporary permits;
- (3) Grant, revoke, or suspend licenses, apprentice permits, or temporary permits; and
- (4) Establish, subject to chapter 91 and with the approval of the governor and the director, rules governing the practice of barbering and practice of cosmetology and the standards and requirements for apprenticeship training and courses of training provided by schools, which shall have the force and effect of law.

(b) The board may require the attendance of witnesses and the production of books, records, and papers as it or any person involved may desire at any hearing of any matter that the board has authority to investigate, and for that purpose may require the executive secretary to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers directed to the sheriff or chief of police of the county where the witness resides or is found, which subpoena shall be served and returned in the same manner as a subpoena in a criminal case. Fees and mileage shall be paid from the funds in the state treasury for the use of the board in the same manner as other expenses of the board.

(c) Any investigation, inquiry, or hearing that the board is authorized by law to hold or undertake may be held or undertaken by or before any member

or members of the board or an appointed hearings officer and the finding or order of that member, members, or hearings officer shall be deemed to be the finding or order of the board when approved and confirmed by the board.

(d) The board may adopt rules pursuant to chapter 91 to allow training of an apprentice by either a barber or beauty operator in order for the apprentice to fulfill training requirements.

§ -6 Applications; requisites for admission to examination. (a) Each person who desires to practice as a barber apprentice, beauty apprentice, barber, beauty operator, or beauty instructor shall:

- (1) Be at least sixteen years of age;
- (2) File with the board a written application on a form prescribed by the board;
- (3) Deposit with the board the required fees; and
- (4) Possess the qualifications specified in this section.

(b) A barber apprentice or beauty apprentice applicant shall provide proof that the applicant will be training in a barber shop or beauty shop under the supervision of a barber or beauty operator.

(c) A barber applicant shall have an education equivalent to the completion of high school and either:

- (1) Three thousand hours of training as a barber apprentice in a barber shop or beauty shop under the supervision of a barber, cosmetologist, or hairdresser; or
- (2) One thousand five hundred hours of training in a barber school.

(d) A cosmetologist applicant shall have an education equivalent to the completion of high school and either:

- (1) Three thousand six hundred hours of training as a beauty apprentice in a beauty shop under the supervision of a cosmetologist or in a barber shop under the supervision of a barber for the hairdresser training only; or
- (2) One thousand eight hundred hours of training in a beauty school.

(e) A hairdresser applicant shall have an education equivalent to the completion of high school and either:

- (1) Two thousand five hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a cosmetologist, hairdresser, or barber for the hairdresser training; or
- (2) One thousand two hundred fifty hours of training in a beauty school.

(f) An esthetician applicant shall have an education equivalent to the completion of high school and either:

- (1) One thousand two hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a cosmetologist or esthetician; or
- (2) Six hundred hours of training in a beauty school.

(g) A nail technician applicant shall have an education equivalent to the completion of high school and either:

- (1) Seven hundred hours of training as a beauty apprentice in a beauty shop or barber shop under the supervision of a cosmetologist, esthetician, or nail technician; or
- (2) Three hundred fifty hours of training in a beauty school.

(h) A beauty instructor applicant may apply to teach in any of the practices of cosmetology if the applicant has:

- (1) Completed six hundred hours of a board approved course in the theory and practice of instruction; and

(2) Served actively for a period of at least one year as a beauty operator in the State or in another jurisdiction having standards for beauty operators substantially equivalent to those of the State.

(i) The board shall recognize barber and beauty training obtained in another jurisdiction that is substantially equivalent to the training in the State. If the training is not equivalent, the board shall make a determination as to whether to recognize the training by evaluating the type and duration of the training and the experience required to obtain a license in the other jurisdiction.

§ -7 Apprentice permits. (a) A barber apprentice or beauty apprentice shall obtain an apprentice permit before beginning apprenticeship training.

(b) There shall be a ratio of not more than one apprentice to one barber or beauty operator in any shop.

(c) Apprentices shall have forty-two months from the date of registration to complete training at the minimum of twenty hours per week.

§ -8 Examination. (a) The board shall contract with a professional testing service to have the testing service provide examinations for applicants as required for the purposes of this chapter.

(b) The professional testing service shall administer the examination approved by the board. Examinations shall be given on a regular basis.

(c) Every applicant who is required by the board to be examined shall pay an examination fee as provided in rules adopted by the director pursuant to chapter 91. The examination fee may be paid directly to the professional testing service by the department or the examinee.

(d) An applicant who fails an initial examination may thereafter file another application for examination with the professional testing service and shall pay the examination fee for any subsequent examination.

(e) The board shall issue a barber, beauty operator, or beauty instructor license to each person who passes the required examination, pays the proper fees, and meets all of the other requirements of this chapter. The license shall state the license category for which the person is licensed.

§ -9 Temporary permits. (a) The board may issue a temporary permit to an applicant approved for examination. A temporary permit may be issued upon application for examination and payment of the required fees. The temporary permit shall allow the applicant to engage in the practice of barbering or practice of cosmetology or teach cosmetology under the supervision of a barber, beauty operator, or beauty instructor, and shall be effective for one year from the date of issuance.

(b) The board may grant an extension to a temporary permit if the professional testing service is unable to administer the examination on a regular basis.

§ -10 Barber shops and beauty shops. (a) An applicant for a barber shop or beauty shop license shall:

- (1) Identify the name and location of the shop;
- (2) Identify at least one barber or beauty operator to qualify the shop for licensure in the applicable license category;
- (3) Identify the owner of the shop who shall be responsible for all operations of the shop and be responsible for ensuring that only currently licensed individuals, apprentices, or temporary permittees are practicing in the shop;
- (4) Demonstrate that the applicant has adequate sanitary facilities; and
- (5) Provide a statement that the applicant shall allow only licensees who have at least one year of experience to train apprentices as prescribed by the rules of the board.

(b) Barber apprentices and beauty apprentices training in a barber shop or beauty shop shall be compensated in accordance with chapter 387.

(c) Any transfer of ownership of a barber shop or beauty shop, or relocation of a barber shop or beauty shop, shall require the filing of an application with the required fees.

§ -11 Beauty schools. (a) Any person may apply to the board for a license as a beauty school upon the payment of application and license fees.

(b) No beauty school shall be granted a license unless the beauty school employs and maintains a sufficient number of beauty instructors, and requires a course of training of a proportioned number of hours as approved by the board, for any of the license categories, to include practical demonstrations, written and oral tests, practical instruction in sanitation and sterilization, and the use of antiseptics consistent with the practical and theoretical requirements applicable to the practice of cosmetology.

(c) All beauty schools shall have sufficient equipment and adequate facilities as prescribed by the rules of the board.

§ -12 Display of licenses or permits. The license of a barber, beauty operator, beauty instructor, barber shop, beauty shop, or beauty school, and the permit of a barber apprentice, beauty apprentice, or temporary permittee, shall be conspicuously displayed in the place of business or employment.

§ -13 Fees; compliance resolution fund. All fees required by this chapter shall be as provided in rules adopted by the director pursuant to chapter 91 and shall be deposited with the director to the credit of the compliance resolution fund established pursuant to section 26-9(o), except that the examination fee required in section -8 may be paid directly to the professional testing service by the department or the examinee.

§ -14 Renewal of licenses. (a) The holder of a barber, beauty operator, beauty instructor, barber shop, or beauty shop license issued by the board shall biennially, on or before December 31 of each odd-numbered year, renew the license and pay the renewal fee.

(b) The holder of a beauty school license issued by the board shall annually, on or before December 31 following the date of issue, renew the license and pay the renewal fee.

(c) A license that has not been renewed shall be considered forfeited. A forfeited license shall be restored upon payment of all delinquent fees and a penalty fee if application is made within three years after the license is forfeited. Thereafter, the person shall apply as a new applicant and the board may require the person to take and pass the examination.

§ -15 Citation for licensee or permittee violations; fines. (a) In addition to any other remedy available under this chapter, the department may issue a citation to any person who holds a barber, beauty operator, beauty instructor, barber shop, beauty shop, or beauty school license, or a temporary permit or apprentice permit, for any of the following violations of this chapter or rules adopted pursuant to this chapter and chapter 91:

- (1) Failure of a barber, beauty operator, beauty instructor, barber shop, beauty shop, beauty school, barber apprentice, beauty apprentice, or temporary permittee engaged in the practice of barbering or practice of cosmetology to display a license or permit in a conspicuous place in the office, place of business or employment, or school, during all hours of operation;
- (2) Failure of a barber shop owner, beauty shop owner, or beauty school owner to ensure that only individuals who hold a current and

appropriate license or permit engage in the practice of barbering or practice of cosmetology in the barber shop, beauty shop, or beauty school;

- (3) Failure of a barber shop or beauty shop engaged in the practice of barbering or practice of cosmetology to conspicuously display in reception or work rooms, a price list or sign that shall read “PRICE LIST AVAILABLE UPON REQUEST” in capital letters at least three-fourths of one inch;
 - (4) Failure of a beauty school to identify each beauty instructor-trainee at the beauty school with a name tag, stating that person’s full name and the words “Instructor-trainee”, to be worn during all hours of instruction;
 - (5) Failure of a beauty school to identify each beauty instructor at the beauty school with a name tag, stating that person’s full name, the word “Instructor”, and identifying the beauty instructor’s appropriate beauty operator category, to be worn during all hours of instruction;
 - (6) Failure of a beauty school, during all hours of instruction, to operate the beauty school with a beauty instructor-student ratio of at least one beauty instructor for every twenty-five students, and with a minimum of two beauty instructors; or
 - (7) Failure of a beauty school that performs work upon or for members of the public to display, in a conspicuous place in each reception and work room, a sign not less than eighteen inches by twenty-four inches that shall state “School of Beauty Culture—Work done by students under supervision” in letters not less than one-half of one inch.
- (b) Each citation:
- (1) Shall be in writing and describe the basis of the citation, including the specific statute or rule violated;
 - (2) May contain an order of abatement and the assessment of a fine in the amount of \$500 for each violation;
 - (3) Shall be served on the licensee or permittee by personal service; and
 - (4) Shall inform the licensee or permittee that the licensee or permittee may submit a written request to the board or its designee for a hearing to contest the citation, within twenty calendar days from the service of the citation.

(c) If the licensee or permittee timely submits a written request to the board or its designee for a hearing, the board may designate a hearings officer to conduct the hearing in accordance with chapter 91.

(d) If the licensee or permittee does not timely submit a written request to the board or its designee for a hearing, the citation shall be deemed a final order of the board.

(e) Failure of a licensee or permittee to pay any assessed fine within thirty calendar days, unless the licensee or permittee contests the citation, may result in further disciplinary action taken by the board.

§ -16 Refusal to grant license or permit; suspension and revocation of licenses or permits. (a) In addition to any other actions authorized by law, the board may take disciplinary action against any license or permit issued under this chapter, including but not limited to suspension, revocation, fine, or a combination thereof, or refuse to grant or renew any license or permit for any cause authorized by law, including but not limited to the following:

- (1) Procuring a license or permit through fraud, misrepresentation, or deceit;

- (2) Professional misconduct, gross negligence, or manifest incapacity;
 - (3) Permitting a person without a license, apprentice permit, or temporary permit to perform activities that require a license, apprentice permit, or temporary permit under this chapter;
 - (4) Violation of this chapter or the rules adopted pursuant thereto;
 - (5) Making any false representation or promise through advertising or otherwise;
 - (6) Failing to display a license, apprentice permit, or temporary permit as provided in this chapter;
 - (7) Any other conduct constituting fraudulent or dishonest dealings;
 - (8) Failing to comply with a board order; or
 - (9) Making a false statement on any document submitted or required to be filed by this chapter.
- (b) Any licensee or permittee who violates this chapter or the rules adopted pursuant thereto shall be fined not less than \$500 and not more than \$2,000 for each violation.

§ -17 Appeal from actions of the board; hearing. (a) An appeal may be taken from a final action of the board suspending or revoking a license, apprentice permit, or temporary permit for the causes pursuant to section -16 to the circuit court of the circuit in which the person whose license, apprentice permit, or temporary permit has been suspended or revoked resides.

(b) Any person aggrieved by the denial of a license, apprentice permit, or temporary permit by the board may submit a request for a hearing pursuant to chapter 91 within sixty days of the date of notification of the denial or refusal.

(c) In all proceedings before the board, the board and each member of the board shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by any person of any order of the board or any member of the board, or of any subpoena issued by the board or any member of the board, or the refusal of any witness to testify to any matter with regard to which the witness may lawfully be questioned, any circuit judge, on application by the board or any member of the board, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

§ -18 Board to aid prosecution. The board shall aid prosecuting officers in the prosecution of persons charged with violations of this chapter.

§ -19 Right of injunction. The department may, in addition to any other remedies available, apply to a court having competent jurisdiction for an injunction to restrain any violation of this chapter.

§ -20 Cumulative remedies. Unless otherwise expressly provided, the remedies or penalties provided by this chapter shall be cumulative to each other and to the remedies or penalties available under all other laws of the State.”

SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a “sheriff”, “sheriffs”, a “sheriff’s deputy”, “sheriff’s deputies”, a “deputy sheriff”, “deputy sheriffs”, or a “deputy”, under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 353-11, 356D-54, 356D-94, 383-71, [438-5,] 445-37, 482E-4, 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,

634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.”

SECTION 3. Section 92-28, Hawaii Revised Statutes, is amended to read as follows:

“§92-28 State service fees; increase or decrease of. Any law to the contrary notwithstanding, the fees or other nontax revenues assessed or charged by any board, commission, or other governmental agency may be increased or decreased by the body in an amount not to exceed fifty per cent of the statutorily assessed fee or nontax revenue, to maintain a reasonable relation between the revenues derived from such fee or nontax revenue and the cost or value of services rendered, comparability among fees imposed by the State, or any other purpose which it may deem necessary and reasonable; provided that:

- (1) The authority to increase or decrease fees or nontax revenues shall be subject to the approval of the governor and extend only to the following: chapters 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189, 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A, 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431, 436E, 436H, 437, 437B, [438, 439-] 440, 440E, 441, 442, 443B, 444, 447, 448, 448E, 448F, 448H, 451A, 451J, 452, 453, 453D, 455, 456, 457, 457A, 457B, 457G, 458, 459, 460J, 461, 461J, 462A, 463, 463E, 464, 465, 465D, 466, 466D, 466K, 467, 467E, 468E, 468L, 468M, 469, 471, 472, 482, 482E, 484, 485A, 501, 502, 505, 514B, 514E, 572, 574, and 846 (part II) and any board, commission, program, or entity created pursuant to title 25 and assigned to the department of commerce and consumer affairs or placed within the department for administrative purposes;
- (2) The authority to increase or decrease fees or nontax revenues under the chapters listed in paragraph (1) that are established by the department of commerce and consumer affairs shall apply to fees or nontax revenues established by statute or rule;
- (3) The authority to increase or decrease fees or nontax revenues established by the University of Hawaii under chapter 304A shall be subject to the approval of the board of regents; provided that the board’s approval of any increase or decrease in tuition for regular credit courses shall be preceded by an open public meeting held during or ~~prior to~~ before the semester preceding the semester to which the tuition applies;
- (4) This section shall not apply to judicial fees as may be set by any chapter cited in this section;
- (5) The authority to increase or decrease fees or nontax revenues pursuant to this section shall be exempt from the public notice and public hearing requirements of chapter 91; and
- (6) Fees for copies of proposed and final rules and public notices of proposed rulemaking actions under chapter 91 shall not exceed 10 cents a page, as required by section 91-2.5.”

SECTION 4. Chapters 438 and 439, Hawaii Revised Statutes, are repealed.

SECTION 5. The jurisdiction, functions, powers, duties, and authority heretofore exercised by the board of barbering and cosmetology pursuant to chapters 438 and 439, Hawaii Revised Statutes, shall be transferred to and con-

ferred upon the board of barbering and cosmetology established by section -4 in section 1 of this Act and shall be performed and enforced in the same manner as previously authorized, entitled, or obligated except as otherwise authorized, directed, or instructed by this Act.

The board of barbering and cosmetology established by section -4 in section 1 of this Act, shall succeed to all of the rights and powers previously exercised, and all of the duties and obligations incurred by the board of barbering and cosmetology in the exercise of the functions, powers, duties, and authority transferred, whether such functions, powers, duties, and authority are mentioned in or granted by any law, contract, or other document.

All rules, policies, procedures, guidelines and other material adopted or developed by the board of barbering and cosmetology to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the board of barbering and cosmetology established by section -4 in section 1 of this Act, shall remain in full force and effect until amended or repealed, pursuant to chapter 91, Hawaii Revised Statutes, by the board of barbering and cosmetology established by section -4 in section 1 of this Act. Every reference to the board of barbering and cosmetology in those rules, policies, procedures, guidelines, and other material shall be deemed to refer to the board of barbering and cosmetology established by section -4 in section 1 of this Act, as appropriate. All fees established by title 16, chapter 53, Hawaii Administrative Rules, that are made applicable to the board of barbering and cosmetology established by section -4 in section 1 of this Act, shall remain in full force and effect until amended or repealed by the director, pursuant to chapter 91, Hawaii Revised Statutes. Every reference to the board of barbering and cosmetology in title 16, chapter 53, Hawaii Administrative Rules, shall be deemed to refer to the board of barbering and cosmetology established by section -4 in section 1 of this Act, as appropriate.

All contracts, agreements, licenses, permits, and other documents executed or entered into by or on behalf of the board of barbering and cosmetology pursuant to those provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the board of barbering and cosmetology established by section -4 in section 1 of this Act, shall remain in full force and effect. Every reference to the board of barbering and cosmetology therein shall be construed as a reference to the board of barbering and cosmetology established by section -4 in section 1 of this Act.

SECTION 6. Each member of the board of barbering and cosmetology shall be constituted a member of the board of barbering and cosmetology established by section -4 in section 1 of this Act.

SECTION 7. This Act shall be liberally construed in order to accomplish the purposes set forth herein. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. Any holder of a barber apprentice permit in effect before July 1, 2023, who files an application for a barber's license before July 1, 2024, may satisfy the training requirement by having one thousand five hundred hours of barber training in a barber shop or beauty shop. Any barber student who began training before the effective date of this Act, may satisfy the training

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requirement by having one thousand five hundred hours of barber training in a barber school.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 74

S.B. NO. 3084

A Bill for an Act Relating to the Elevator Mechanics Licensing Board Composition.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 448H-3, Hawaii Revised Statutes, is amended to read as follows:

“§448H-3 Elevator mechanics licensing board; appointment; organization.

There is created an elevator mechanics licensing board within the department of commerce and consumer affairs for administrative purposes. The board shall consist of seven members: ~~four~~ five shall be licensed elevator mechanics~~;~~ and two shall be public members not connected or associated with the elevator or building industry~~;~~ and one shall be the director of labor and industrial relations or the director’s designee who is an employee of the department of labor and industrial relations and has expertise in elevator and escalator installation and maintenance].”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 75

S.B. NO. 3072

A Bill for an Act Relating to the Hawaii Employer-Union Health Benefits Trust Fund Investments.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that this Act is necessary to enable the Hawaii employer-union health benefits trust fund (trust fund) to efficiently maintain the confidentiality of information relating to alternative investments such as investments in private equity, private credit, and private real estate funds, consistent with competitive investment market best practices. This will help ensure that the trust fund will not be disadvantaged as a competitive investor due to the public records disclosure requirements of chapter 92F, Hawaii Revised Statutes.

To address the trust fund’s unfunded liability, the trust fund, as a prudent investor, engages in diversified investment, including high-yield private alterna-

tive investments. Due diligence into these investments requires the trust fund to invest time and money to acquire and analyze detailed proprietary and confidential information regarding the projected performance of each fund. If the trust fund is required to disclose this confidential information, the trust fund is disadvantaged as a competitive investor. Competing investors would be able to acquire, at no cost, the trust fund's investment intelligence, resulting in oversubscription of the trust fund's best investments, reducing the trust fund's access. Further, to the extent that the trust fund may be required to disclose information that the investment funds require to be kept confidential, some high-performing funds are likely, based on their past practices, to be deterred from allowing the trust fund to invest with them.

To serve the public interest in monitoring the trust fund's investment performance, the trust fund already makes publicly available non-confidential aggregate performance data for the entire trust fund investment portfolio in its quarterly performance report, which includes: the name of asset or strategy and the rate of return for the quarter, fiscal year-to-date, one year, three years, five years, ten years, and inception to date.

The purpose of this Act is to identify certain types of alternative investment fund information, the disclosure of which would likely put the trust fund at a competitive disadvantage, and categorically exempt those categories of information from disclosure under chapter 92F, Hawaii Revised Statutes, consistent with market best practices. This Act mirrors Act 71, Session Laws of Hawaii 2021, providing the employees' retirement system of the State of Hawaii the same exemptions.

SECTION 2. Section 87A-31, Hawaii Revised Statutes, is amended to read as follows:

“§87A-31 Trust fund; purpose[-]; disclosure of information. (a) The fund shall be used to provide employee-beneficiaries and dependent-beneficiaries with health and other benefit plans, and to pay administrative and other expenses of the fund. All assets of the fund are and shall be dedicated to providing health and other benefits plans to the employee-beneficiaries and dependent-beneficiaries in accordance with the terms of those plans and to pay administrative and other expenses of the fund, and shall be used for no other purposes except for those set forth in this section.

(b) The fund, including any earnings on investments, and rate credits or reimbursements from any carrier or self-insured plan and any earning or interest derived therefrom, may be used to stabilize health and other benefit plan rates; provided that the approval of the governor and the legislature shall be necessary to fund administrative and other expenses necessary to effectuate these purposes.

(c) The fund may be used to provide group life insurance benefits to employees to the extent that contributions are provided for group life insurance benefits in sections 87A-32 and 87A-37.

(d) The fund may assist the State and the counties to implement and administer cafeteria plans authorized under [Title] title 26 United States Code section 125, the Internal Revenue Code of 1986, as amended, and section 78-30.

(e) At the discretion of the board, some or all of the fund may be used as a reserve against or to pay the fund's future costs of providing health and other benefits plans established under sections 87A-23 and 87A-37 and any other benefits plans the board establishes for retired employees and their beneficiaries. The board may create separate funds within the fund for this purpose. Each separate fund shall be subject to all [of the] provisions of this chapter.

(f) If after commencing the reimbursement of medicare part B premiums in section 87A-23, or any other debt payable under this chapter, the fund

cannot locate the employee-beneficiary or other person or entity entitled to payment, further payment shall be forfeited to the fund if the total amount is less than \$500 and shall not escheat under the laws of any state; provided that the forfeited payment shall be restored if the employee-beneficiary, or other person or entity entitled to the forfeited payment makes a proper application to the fund for restoration of the benefit no later than ten years following the last valid reimbursement or payment. All applications for restoration of a forfeited benefit or payment shall be in a form satisfactory to the fund. For forfeited benefits or payments in existence on June 30, 2017, the ten-year time limitation on claiming the benefits or payments shall commence on July 1, 2017.

(g) The exemptions from disclosure of information pursuant to chapter 92F set forth in section 88-103.5(c) through (e) shall apply to the disclosure of information relating to the fund’s alternative investments; provided that references to the “system” in section 88-103.5(c) and (e) shall be replaced with the “fund” for purposes of the fund’s alternative investments.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 76

H.B. NO. 137

A Bill for an Act Relating to Liquor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 244D-3, Hawaii Revised Statutes, is amended to read as follows:

“§244D-3 Cooperation between department and liquor commission.

The department of taxation and the liquor commission, if the commission exercises its authority under this chapter, shall cooperate in the enforcement of this chapter.

The department shall notify the proper liquor commission of the name and address of every permittee whose permit has been revoked, and any license issued to the permittee under the liquor law thereupon shall be deemed forfeited.

The department may notify the proper liquor commission of the name and address of every person who has failed to file any return required, or to pay any tax prescribed, or to secure a permit, or to perform any other duty or act imposed under this chapter, and ~~[such] the proper~~ liquor commission shall thereupon suspend any license ~~[which] that~~ may have been issued to any ~~[such]~~ person under the liquor law until ~~[such] the~~ time ~~[as such] the~~ person complies with this chapter.

~~[The liquor commission, if the commission exercises its authority under this chapter, shall provide to the department the results of any examination the commission has undertaken pursuant to section 244D-10 and shall, upon request, furnish to the department any information in its possession relative to any person having a license issued by it, and its records shall be open to examination of the department.]”~~

SECTION 2. Section 244D-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Every dealer shall keep a record of all sales of liquor by gallonage and dollar volume in each liquor category defined in section 244D-1 and taxed under section 244D-4(a) made by the dealer, in ~~[such] a form [as] prescribed by the department of taxation [may prescribe]~~. Every person holding a license under the liquor law, other than a manufacturer’s or wholesaler’s license, shall keep a record of all purchases by the person of liquor by gallonage and dollar volume in each liquor category defined in section 244D-1 and taxed under section 244D-4(a), in ~~[such] a form [as] prescribed by the department [may prescribe]~~. All ~~[such]~~ records shall be offered for inspection and examination at any time upon demand by the department ~~[or commission]~~ and shall be preserved for a period of five years, except that the department may in writing consent to their destruction within ~~[such] the five-year~~ period or may require that they be kept longer.

The department may by rule require the dealer to keep ~~[such]~~ other records as it may deem necessary for the proper enforcement of this chapter.”

SECTION 3. Section 244D-10, Hawaii Revised Statutes, is amended to read as follows:

“**§244D-10 Inspection.** The director of taxation, ~~[the liquor commission,]~~ or the duly authorized agent of ~~[either] the director [or commission],~~ may examine all records required to be kept under this chapter, and books, papers, and records of any person engaged in the sale of liquor to verify the accuracy of the payment of the tax imposed by this chapter and other compliance with this chapter and regulations adopted pursuant thereto. Every person in possession of ~~[such]~~ books, papers, and records and the person’s agents and employees shall give the director~~[-, the commission,]~~ or the duly authorized agent of ~~[either of them,]~~ the director, the means, facilities, and opportunities for ~~[such]~~ examination.

~~[The authority granted to the liquor commission under this section shall not conflict with section 231-18 and shall not extend to the inspection of any documents not directly related to this chapter.]”~~

SECTION 4. Section 281-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The liquor commission, within its own county, shall have the jurisdiction, power, authority, and discretion, subject only to this chapter:

- (1) To grant, refuse, suspend, and revoke any license for the manufacture, importation, and sale of liquors;
- (2) To take appropriate action against a person who, directly or indirectly, manufactures, sells, or purchases any liquor without being authorized pursuant to this chapter; provided that in counties that have established by charter a liquor control adjudication board, the board shall have the jurisdiction, power, authority, and discretion to hear and determine administrative complaints of the director regarding violations of the liquor laws of the State or of the rules of the liquor commission, and impose penalties for violations thereof as may be provided by law;
- (3) To control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, and education; provided that any educational program shall be limited to the commission staff, commissioners, liquor control adjudication board members, and licensees and their employees, and shall be financed through the money collected from the assessment of fines against licensees; provided that fine moneys, not to exceed ten per cent a

- year of fines accumulated, may be used to fund public liquor-related educational or enforcement programs;
- (4) From time to time to make, amend, and repeal rules, not inconsistent with this chapter, as in the judgment of the commission are deemed appropriate for carrying out this chapter and for the efficient administration thereof, and the proper conduct of the business of all licensees, including every matter or thing required to be done or which may be done with the approval or consent, by order, under the direction or supervision of, or as prescribed by the commission; which rules, when adopted as provided in chapter 91 shall have the force and effect of law;
 - (5) Subject to chapter 76, to appoint and remove an administrator, who may also be appointed an investigator and who shall be responsible for the operations and activities of the staff. The administrator may hire and remove hearing officers, investigators, and clerical or other assistants as its business may from time to time require, prescribe their duties and fix their compensation, and engage the services of experts and persons engaged in the practice of a profession, if deemed expedient. Every investigator, within the scope of the investigator's duties, shall have the powers of a police officer;
 - (6) To limit the number of licenses of any class or kind within the county, or the number of licenses of any class or kind to do business in any given locality, when in the judgment of the commission such limitations are in the public interest;
 - (7) To prescribe the nature of the proof to be furnished, the notices to be given, and the conditions to be met or observed in case of the issuance of a duplicate license in place of one alleged to have been lost or destroyed, including a requirement of any indemnity deemed appropriate to the case;
 - (8) To fix the hours between which licensed premises of any class or classes may regularly be open for the transaction of business, which shall be uniform throughout the county as to each class respectively;
 - (9) To prescribe all forms to be used for the purposes of this chapter not otherwise provided for in this chapter, and the character and manner of keeping of books, records, and accounts to be kept by licensees in any matter pertaining to their business;
 - (10) To investigate violations of this chapter[~~, chapter 244D~~] and, notwithstanding any law to the contrary, violations of the applicable department of health's allowable noise levels, through its investigators or otherwise, to include covert operations, and to report violations to the prosecuting officer for prosecution [~~and,~~] where appropriate[~~;~~]. Investigations of violations of chapter 244D shall be referred to the director of taxation to hear and determine complaints against any licensee;
 - (11) To prescribe, by rule, the terms, conditions, and circumstances under which persons or any class of persons may be employed by holders of licenses;
 - (12) To prescribe, by rule, the term of any license or solicitor's and representative's permit authorized by this chapter, the annual or prorated amount, the manner of payment of fees for the licenses and permits, and the amount of filing fees;
 - (13) To prescribe, by rule, regulations on dancing in licensed premises; and

- (14) To prescribe, by rule, the circumstances and penalty for the unauthorized manufacturing or selling of any liquor.”

SECTION 5. Section 281-20, Hawaii Revised Statutes, is amended to read as follows:

“**§281-20 General right of inspection.** Any investigator may, at all times, without notice and without any search warrant or other legal process, visit and have immediate access to every part of the premises of every licensee for the purpose of making any examination or inspection thereof or inquiry into the books and records therein, to ascertain whether all of the conditions of the license and all provisions of this chapter [~~and chapter 244D~~] are being complied with by the licensee.”

SECTION 6. Section 281-53, Hawaii Revised Statutes, is amended to read as follows:

“**§281-53 Application; penalty for false statements.** Every application for a license or for the renewal of a license or for the transfer of a license shall be in writing, signed [~~and, except for the renewal of a license, verified by the oath of the applicant~~], and notarized by the applicant, or in the case of a corporation or unincorporated association by the proper officer or officers thereof, or if a partnership by a general partner thereof, or if a limited liability partnership by a partner thereof, or if a member-managed limited liability company by a member thereof, or if a manager-managed limited liability company by a manager thereof, [~~made before any official authorized by law to administer oaths~~], and shall be addressed to the liquor commission, and set forth:

- (1) The full name, age, and place of residence of the applicant; if a copartnership, the names, ages, and respective places of residence of all the partners; if a limited liability company, its full name and the names of all its members; if a corporation or joint-stock company, its full name and the names of its officers and directors, and the names of all stockholders owning twenty-five per cent or more of the outstanding capital stock; if a publicly-traded company, or an entity ultimately solely owned by a publicly-traded company, the names of the officers designated as the primary decision-makers regarding the purchase and sale of liquor; and if any other association of individuals, the names, ages, and respective places of residence of its officers and the number of its members;
- (2) A particular description of the place or premises where the proposed license is to be exercised, so that the exact location and extent thereof may be clearly and definitely determined therefrom;
- (3) The class and kind of license applied for; and
- (4) Any other matter or information pertinent to the subject matter, which may be required by the rules of the commission.

[~~If any false statement is knowingly made in any application which is verified by oath, the applicant, and in the case of the application being made by a corporation, limited liability company, association, or club, the persons signing the application, shall be guilty of perjury, and shall be subject to the penalties prescribed by law for such offense.~~] If any false statement is knowingly made in any application [~~which~~] that is not verified by oath, the person or persons signing the application shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 281-102 [~~provided~~].”

SECTION 7. Section 281-56, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) On every application referred to the investigator under section 281-55, the investigator shall report in writing to the liquor commission and, if the application is for a license of any class other than class 8, class 9, or class 10, ~~such~~ the report shall include:

- (1) A description of the premises intended to become the licensed premises, and the equipment and surrounding conditions, including the relationship to surrounding residences ~~which~~ that may share a common boundary or a common structure with the premises proposed for licensing;
- (2) If the application is made by a person who has held a prior license for the same or any other premises within two years past, a statement as to the manner in which the premises have been operated and the business conducted under the previous license;
- (3) The locality of any church, chapel, or school, if any, within a distance of five hundred feet from the nearest point of the premises for which the license is ~~asked~~ proposed to the nearest point of the church, chapel, or school grounds;
- (4) The number, position, and distance from the premises, in respect of which a license is applied for, of any other licensed premises of the same class in the neighborhood;
- (5) The number of licenses of the same class or kind already issued and being lawfully exercised within the county;
- ~~[(6) Whether or not in the opinion of the investigator the applicant is a fit and proper person to have a license;~~
- ~~[(7) (6) Whether or not the applicant is for any reason disqualified by this chapter from obtaining or exercising a license; and whether or not the applicant has complied with all the requirements of this chapter relative to the making and filing of the applicant's application;~~
- ~~[(8) (7) For the next application by the same applicant for a license in the same physical location that was previously denied, refused, or withdrawn, evidence, to be provided by the applicant, of a substantial change in the circumstances that caused the previous denial, refusal, or withdrawal; and~~
- ~~[(9) (8) [Any and all other matters and things, that in the judgment of the investigator pertain to or affect the matter of the application, or the issuance or the exercise of the license applied for; provided that when the license application is for premises within a county with a population of five hundred thousand residents or more, the report shall specify the] The possible adverse effects the premises, after licensing, may have on the surrounding community[-] if the license application is for premises within a county having a population of five hundred thousand residents or more.”~~

SECTION 8. Section 281-79, Hawaii Revised Statutes, is amended to read as follows:

“**§281-79 Entry for examination; obstructing liquor commission operations; penalty.** Every investigator shall, and any officer having police power may, at all reasonable times, and at any time whatsoever if there is any reasonable ground for suspicion that the conditions of any license are being violated, without warrant enter into and upon any licensed premises and inspect the same and every part thereof, and any books or records therein, to ascertain whether or not all conditions of the license and all provisions of this chapter ~~[and chapter 244D]~~ are being complied with by the licensee.

If any investigator or officer, or any person called by the investigator or officer to the investigator's or officer's aid, is threatened with the use of violence, force, or physical interference or obstacle, or is hindered, obstructed, or prevented by any licensee, the licensee's employees, or any other person from entering into ~~[any such]~~ the premises, or whenever any investigator or officer is by any licensee, the licensee's employees, or any other person opposed, obstructed, or molested in the performance of the officer's duty in any respect, the licensee, the licensee's employee, or any other person shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

Whenever any investigator or officer, having demanded admittance into any licensed premises and declared the investigator's or officer's name and office, is not admitted by the licensee or the person in charge of the premises, it shall be lawful for the investigator or officer to forcibly and in any manner to break into and enter the premises."

SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 11. This Act shall take effect on January 1, 2023.

(Approved June 17, 2022.)

ACT 77

H.B. NO. 1971

A Bill for an Act Relating to Peer-to-Peer Car-Sharing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 15 to be appropriately designated and to read as follows:

"CHAPTER PEER-TO-PEER CAR-SHARING

§ -1 **Definitions.** As used in this chapter:

"Car-sharing delivery period" means the period of time during which a shared car is being delivered to the location of the car-sharing start time, if applicable, as documented by the governing car-sharing program agreement.

"Car-sharing period" means the period of time that commences with the car-sharing delivery period or, if there is no delivery period, that commences with the car-sharing start time and, in either case, ends at the car-sharing termination time.

"Car-sharing program agreement" means the terms and conditions applicable to a shared car owner, a shared car driver, and a peer-to-peer car-sharing platform, if applicable, that govern the use of a shared car through a peer-to-peer car-sharing program. "Car-sharing program agreement" does not include a rental agreement as defined in section 437D-3.

"Car-sharing start time" means the time the shared car driver obtains operation, use, or control of a shared car through a peer-to-peer car-sharing program.

"Car-sharing termination time" means the latest of the following events:

- (1) The expiration of the agreed upon period of time established for the use of a shared car according to the terms of the car-sharing program agreement if the shared car is delivered to the location agreed upon in the car-sharing program agreement;
- (2) When the shared car is returned to a location as alternatively agreed upon by the shared car owner and shared car driver as communicated through a peer-to-peer car-sharing program;
- (3) When a shared car is returned to the location agreed upon in the car-sharing program agreement or alternatively agreed upon by the shared car owner and the shared car driver, as communicated through a peer-to-peer car-sharing program, before the expiration of the period of time established for the use of a shared car according to the terms of the car-sharing program agreement, and the shared car driver notifies the peer-to-peer car-sharing program of the location of the shared car;
- (4) When a shared car, during the car-sharing period, cannot safely or legally be operated and the shared car driver notifies the peer-to-peer car-sharing program that the shared car is inoperable and identifies the location of the shared car;
- (5) When the shared car driver receives notice of a safety recall affecting the shared car and the shared car driver returns the shared car to the location agreed upon in the car-sharing program agreement, or alternatively agreed upon by the shared car owner and the shared car driver, and the shared car driver notifies the peer-to-peer car-sharing program of the location of the shared car; or
- (6) When the shared car owner or the shared car owner's authorized designee takes possession and control of the shared car.

“Peer-to-peer car-sharing” means the operation, use, or control of a motor vehicle by an individual other than the motor vehicle’s owner through a peer-to-peer car-sharing program. “Peer-to-peer car-sharing”, for the purposes of assessing a vehicle surcharge tax, does not mean the business of providing rental motor vehicles to the public as that phrase is used in section 251-3.

“Peer-to-peer car-sharing platform” means any person or business that owns or operates a peer-to-peer car-sharing program.

“Peer-to-peer car-sharing program” means:

- (1) Any person who enables a shared car driver to identify, reserve, or use a shared car owned by a shared car owner; or
- (2) Any person who enables a shared car owner to describe, list, or make available a shared car for identification, reservation, or use by a shared car driver.

“Peer-to-peer car-sharing program” does not include:

- (1) A transportation network company as defined in section 431:10C-701;
- (2) A car-sharing organization as defined in section 251-1;
- (3) Any person registered and acting as a travel agency pursuant to chapter 468L; or
- (4) Any person registered and acting as an activity desk pursuant to chapter 468M.

“Shared car” means a motor vehicle that is registered pursuant to chapter 286 and is not owned, controlled, operated, maintained, or managed by or registered, directly or indirectly through an affiliate, to the peer-to-peer car-sharing program and is available for sharing through a peer-to-peer car-sharing program. “Shared car” does not include a rental motor vehicle or vehicle as those terms are defined in section 437D-3.

“Shared car driver” means an individual who has been authorized to drive the shared car by the shared car owner under a car-sharing program agreement. “Shared car driver” does not include lessee as defined in section 437D-3.

“Shared car owner” means the registered owner of a shared car. “Shared car owner” does not include lessor as defined in section 437D-3.

§ -2 Notification of implications of lien. When a car owner registers as a shared car owner on a peer-to-peer car-sharing program and prior to when the shared car owner makes a shared car available for peer-to-peer car-sharing on the peer-to-peer car-sharing program, the peer-to-peer car-sharing program shall notify the shared car owner that, if the shared car has a lien against it, the use of the shared car through a peer-to-peer car-sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

§ -3 Recordkeeping; use of vehicle in car-sharing. A peer-to-peer car-sharing program shall collect and verify records pertaining to the use of a shared car for each car-sharing program agreement, including:

- (1) Dates and times of the car-sharing start time and the car-sharing termination time in the car-sharing program agreement;
- (2) Dates and times of the car-sharing start time and car-sharing termination time;
- (3) Itemized descriptions and amounts of all fees and costs charged to the shared car driver;
- (4) Itemized descriptions and amounts of all fees and costs paid by the shared car driver;
- (5) Itemized descriptions and amounts of all fees and costs paid to the shared car owner;
- (6) The name and contact information of the shared car owner and the shared car driver; and
- (7) The insurance policy number, effective date, coverage, and coverage amounts of each insurance policy that identifies the peer-to-peer car-sharing program, shared car owner, or shared car driver as the insured.

The peer-to-peer car-sharing program shall retain the records for a time period of no less than six years. Upon request, the peer-to-peer car-sharing program shall provide the information required by this section and any information relating to the peer-to-peer car-sharing agreement in its possession and control to the shared car owner, shared car owner’s insurer, shared car driver, shared car driver’s insurer, persons who have sustained injury or property damage involving a shared car, and police and other governmental entities to facilitate accident or claim coverage investigation.

§ -4 Exemption; vicarious liability. Consistent with title 49 United States Code section 30106, a peer-to-peer car-sharing program and shared car owner shall be exempt from vicarious liability under any state or local law that imposes liability solely based upon motor vehicle ownership.

§ -5 Required disclosures and notices. For each shared car participating in a car-sharing program agreement, a peer-to-peer car-sharing program shall:

- (1) Provide, prior to the execution of a car-sharing program agreement, the shared car owner and shared car driver with the terms and conditions of the car-sharing program agreement;
- (2) Disclose to the shared car driver, prior to the execution of a car-sharing program agreement, all costs or fees that are charged to the shared car driver under the car-sharing program agreement, includ-

- ing all costs or fees for mandatory insurance coverage charged by the peer-to-peer car-sharing program;
- (3) Disclose to the shared car owner, prior to the execution of a car-sharing program agreement, all costs or fees that are charged to the shared car owner under the car-sharing program agreement, including fees or costs for mandatory insurance coverage charged by the peer-to-peer car-sharing program;
 - (4) Provide a twenty-four hour emergency telephone number for a person capable of facilitating roadside assistance for the shared car driver;
 - (5) Disclose any right of the peer-to-peer car-sharing program to seek indemnification from the shared car owner or shared car driver for economic loss sustained by the peer-to-peer car-sharing program caused by a breach of the car-sharing program agreement; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure prior to execution of a car-sharing program agreement;
 - (6) Disclose that a motor vehicle insurance policy issued to the shared car owner for the shared car or to the shared car driver may not provide a defense or indemnification for any claim asserted by the peer-to-peer car-sharing program; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure prior to execution of a car-sharing program agreement;
 - (7) Disclose that the peer-to-peer car-sharing program's insurance coverage on the shared car owner and shared car driver is in effect only during each car-sharing period and that the shared car may not have insurance coverage for use of the shared car by the shared car driver after the car-sharing termination time; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure prior to the execution of a car-sharing program agreement;
 - (8) Disclose any insurance or protection package costs that are charged to the shared car owner or shared car driver; provided that the peer-to-peer car-sharing program shall require the shared car owner and shared car driver to specifically and separately acknowledge notice of the disclosure prior to the execution of a car-sharing program agreement;
 - (9) Disclose to the shared car driver any conditions in which the shared car driver is required to maintain a motor vehicle insurance policy as the primary coverage for the shared car; and
 - (10) Disclose that a shared car owner shall be permitted to obtain insurance that provides coverage for loss of use of a shared car.

§ -6 Driver's license verification and data retention. (a) A peer-to-peer car-sharing program shall not enter into a car-sharing program agreement with a shared car driver unless the shared car driver:

- (1) Holds a driver's license issued under section 286-102 that authorizes the shared car driver to operate vehicles of the class of the shared car;
- (2) Is a nonresident who:

- (A) Has a driver's license issued by the state or country of the driver's residence that authorizes the shared car driver in that state or country to drive vehicles of the class of the shared car; and
- (B) Is at least the same age as that required of a resident to drive; or
- (3) Otherwise is specifically authorized to drive vehicles of the class of the shared car.
- (b) A peer-to-peer car-sharing program shall record:
 - (1) The name and address of the shared car driver; and
 - (2) The place of issuance and number of the driver's license of the shared car driver and each other person, if any, who will operate the shared car.

§ -7 Responsibility for equipment. A peer-to-peer car-sharing program shall have sole responsibility for any equipment, such as a global positioning system or other special equipment, that is put in or on the shared car to monitor or facilitate the car-sharing transaction, and shall agree to indemnify and hold harmless the shared car owner for any damage to or theft of the equipment during the car-sharing period not caused by the shared car owner. The peer-to-peer car-sharing program shall have the right to seek indemnification from the shared car driver for any loss or damage to the equipment that occurs during the car-sharing period.

§ -8 Motor vehicle safety recalls. (a) At the time when a vehicle owner registers as a shared car owner on a peer-to-peer car-sharing program, prior to the time when the shared car owner makes a shared car available for peer-to-peer car-sharing on the peer-to-peer car-sharing program and no more than forty-eight hours before the car-sharing start time, the peer-to-peer car-sharing program shall:

- (1) Verify that no safety recalls exist for the make and model of the shared car for which repairs have not been made;
- (2) Notify the shared car owner of the requirements under subsection (b); and
- (3) Not make the shared car available for use through a peer-to-peer car-sharing program if the shared car owner or peer-to-peer car-sharing program has received notice or is aware of a safety recall on the shared car, until the safety repair has been made.
- (b) A shared car owner shall:
 - (1) Remove any shared car listed for use through a peer-to-peer car-sharing program upon receipt of a notice of a safety recall as soon as practicably possible but no longer than seventy-two hours after receipt of notice of a safety recall; and
 - (2) Notify the peer-to-peer car-sharing program of a safety recall when the shared car is in the possession of a shared car driver so that the peer-to-peer car-sharing program may notify the shared car driver and the shared car may be removed from use until the shared car owner effects the necessary safety recall repair.

§ -9 General excise tax; rental motor vehicle surcharge tax; collection. The activity of peer-to-peer car-sharing shall be subject to general excise tax under chapter 237 and the rental motor vehicle surcharge tax pursuant to section 251-2(a); provided that the peer-to-peer car-sharing program shall be responsible for collecting and remitting any taxes and surcharges to the department of taxation.

§ -10 Relation to other laws. Chapter 437D shall not apply to peer-to-peer car-sharing."

SECTION 2. Section 251-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is levied and shall be assessed and collected each month a rental motor vehicle surcharge tax of \$5 a day, or any portion of a day that a rental motor vehicle is rented or leased. Beginning January 1, 2022, and each subsequent year on January 1 until December 31, 2027, the rental motor vehicle surcharge tax shall increase by \$0.50. The rental motor vehicle surcharge tax shall be levied upon the lessor; provided that the tax shall not be levied on the lessor if:

- (1) The lessor is renting the vehicle to replace a vehicle of the lessee that:
 - (A) Is being repaired; or
 - (B) Has been stolen and is unrecovered or will not be repaired due to a total loss of the vehicle; and
- (2) A record of the repair order, the stolen vehicle record, or total loss vehicle claim for the vehicle is retained either by the lessor for two years for verification purposes or by a motor vehicle repair dealer for two years as provided in section 437B-16.

In addition to the requirements imposed by section 251-4, a lessor shall disclose, to the department, the portion of the remittance attributed to the county in which the motor vehicle was operated under rental or lease. A peer-to-peer car-sharing program, as defined in chapter _____, shall be subject to the tax imposed by this subsection and be subject to the other requirements of this chapter.”

SECTION 3. Section 251-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each person as a condition precedent to engaging or continuing in the business of providing rental motor vehicles to the public, engaging or continuing in the tour vehicle operator business, ~~or~~ engaging or continuing in a car-sharing organization business, or engaging or continuing in a peer-to-peer car-sharing program as defined in section _____-1 shall register with the director. A person required to so register shall make a one-time payment of \$20, upon receipt of which the director shall issue a certificate of registration in such form as the director determines, attesting that the registration has been made. The registration shall not be transferable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. The registration, or in lieu thereof a notice stating where the registration may be inspected and examined, shall at all times be conspicuously displayed at the place for which it is issued.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

SECTION 1. Section 231-33, Hawaii Revised Statutes, is amended to read as follows:

“§231-33 Tax debt due the State; lien. (a) Within the meaning of this section:

- (1) The terms “mortgagee”, “pledgee”, and “purchaser” do not include any person to whom property or an interest in property is conveyed (A) as security for or in satisfaction of an antecedent or pre-existing debt of a debtor who is insolvent within the meaning of the Bankruptcy Act, or (B) as trustee, assignee, or agent for the benefit of one or more creditors, other than mortgage bondholders.
- (2) The term “motor vehicle” means any self-propelled vehicle to be operated on the public highways.
- (3) The interest of a party, if required to be recorded or entered of record in any public office in order to be valid against subsequent purchasers, does not arise prior to the time of such recording or entry of record.
- (4) An employer or other person who is required by any tax law to withhold tax at the source, or to collect a tax, and who is made liable for the tax if the employer or other person does not fulfill the employer’s or other person’s duties in that regard, shall be deemed a person liable for the tax.
- (5) The term “real property” includes leasehold or other interest in real property and also any personal property sold or mortgaged with real property if affixed to the real property and described in the instrument of sale or mortgage.

(b) Any state tax ~~[which]~~ that is due and unpaid is a debt due the State and constitutes a lien in favor of the State upon all property and rights to property, whether real or personal, belonging to any person liable for the tax. The lien for the tax, including penalties and interest thereon, arises at the time the tax is assessed, or at the time a return thereof is filed, or at the time of filing by the department of taxation of the certificate provided for by subsection (f) whichever first occurs. From and after the time the lien arises it is a paramount lien upon the property and rights to property against all parties, whether their interest arose before or after that time, except as otherwise provided in this section.

(c) The lien imposed by subsection (b) is not valid as against:

- (1) A mortgagee or purchaser of real property, or the lien of a judgment creditor upon real property, whose interest arose prior to the recording by the department of the certificate provided for by subsection (f); or
- (2) A mortgagee or purchaser of a motor vehicle who becomes the legal owner or owner at a time when the tax lien and encumbrance record provided for by section 286-46 does not show the lien.

(d) As to tangible personal property, possession of which is held by a person liable for tax for the purpose of sale to the public in the ordinary course of the person’s business, the lien imposed by subsection (b) is extinguished as to any such property sold in the ordinary course of the business by or under the direction of the person to any purchaser for valuable consideration. As to securities, negotiable instruments, and money, the lien imposed by subsection (b):

- (1) Is extinguished as to such property upon passage of title to a person without notice or knowledge of the existence of the lien, for an adequate and full consideration in money or money’s worth; and
- (2) Is not valid as against a mortgagee or pledgee for an adequate and full consideration in money or money’s worth, who is located outside the State and takes possession of the property, if at the time of taking possession of the property the mortgagee or pledgee is without notice or knowledge of the existence of the lien. The mere

recording or filing of the certificate provided for by subsection (f) does not constitute notice for the purposes of this subsection.

(e) Subject to the provisions of this subsection, the lien imposed by subsection (b) is not valid as against a mortgagee, pledgee, or purchaser who gives notice to the department on a form prescribed by it of the mortgage, pledge, or purchase made or about to be made, with a description of the property encumbered or conveyed or proposed to be encumbered or conveyed thereby, and whose interest in the property arises prior to the recording or filing by the department of the certificate provided for by subsection (f) or within ten days after the filing. If the notice is given the lien imposed by subsection (b) is valid against the party giving the notice, as to any taxes set forth in a certificate filed as provided in subsection (f) within the period of fifteen days after the notice. The department may waive all or any part of the period herein allowed.

(f) The department may record in the bureau of conveyances at Honolulu, or in respect of a lien on a motor vehicle, file with the county director of finance, a certificate setting forth the amount of taxes due and unpaid, which have been returned, assessed, or as to which a notice of proposed assessment has issued. The certificate shall identify the taxpayer, the taxpayer's last known address, and the tax or taxes involved. The recording or filing of the certificate has the effect set forth in this section, but nothing in this section shall be deemed to require that a certificate recorded or filed by the department must include the amount of any penalty or interest, in order to protect the lien therefor. The certificate, if recorded or filed with the county director of finance, shall be entered of record as provided by law. Recordation of the certificate in the bureau of conveyances shall be deemed, at such time, for all purposes and without any further action, to procure a lien on land registered in the land court under chapter 501. Any cost incurred in the filing of the certificate shall be a part of the lien for the tax therein set forth.

(g) The department may issue a certificate of discharge of any part of the property subject to the lien imposed by this section, upon payment in partial satisfaction of such lien, of an amount not less than the value as determined by the department of the lien on the part to be so discharged, or if the department determines that the lien on the part to be discharged has no value. Any such discharge so issued shall be conclusive evidence of the discharge of the lien as therein provided.

(h) The lien imposed by subsection (b) may be foreclosed in a court proceeding or by distraint under section 231-25.

(i) This section shall not apply to a tax levied by a chapter ~~[which]~~ that contains a specific provision for the tax levied by the chapter, any provision in this section to the contrary notwithstanding.

(j) If a lien imposed by subsection (b) is properly recorded as authorized under subsection (f), and three hundred sixty-five days have elapsed from the date of recording with no response or action by the taxpayer against whom the lien was recorded, the director may apply to the circuit court to have the lien converted into a civil judgment. The circuit court shall issue a civil judgment for an amount equivalent to the value of the lien. If a lien is converted to a civil judgment under this subsection, interest under section 231-39(b)(4) shall cease to accrue after the period to collect the unpaid amount has expired under the applicable statute of limitations or agreement."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 79

S.B. NO. 2379

A Bill for an Act Relating to the Special Enforcement Section.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 231-81, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§231-81]]~~ **Special enforcement section; created.** ~~[[a]]~~ There is created within the department of taxation the special enforcement section to carry out civil enforcement efforts as directed by the director of taxation. The director may staff the section as the exigencies of the public service may require.

(b) The special enforcement section may:

- (1) Examine any sector of the State's economy;
- (2) Initiate civil investigations to ensure that each taxpayer pays all taxes that the taxpayer is required to pay; and
- (3) Use enforcement and education to deter and prevent non-compliance with state taxation laws.

~~[[b]]~~ (c) The department of taxation shall report to the legislature no later than thirty days prior to the convening of each regular session the state resources committed to implementing ~~[[Act 134, Session Laws of Hawaii 2009]]~~ and the additional revenues raised therefor.”

SECTION 2. Section 231-82, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§231-82]]~~ **Special enforcement section; functions, powers, and duties.** The special enforcement section shall have the following functions, powers, and duties:

- (1) Investigate reported or suspected violations of tax laws for civil enforcement purposes, including through covert means~~[-with a stated priority of investigating cash-based businesses as defined in section 231-93];~~
- (2) Enforce the tax laws by issuing, enforcing, or executing citations, fines, infractions, assessments, liens, levies, writs, warrants, injunctions, or other process;
- (3) Serve as fraud referral specialists to assist in the development and review of fraud cases for appropriate disposition of potentially fraudulent activities, including referral to criminal investigators and assessment of civil fraud penalties; provided that personnel assigned to the special enforcement section may not participate in any criminal investigation;
- (4) Organize and hold public informational meetings on issues of tax laws, including compliance deficiencies in segments of the economy, and undertake any other activities to encourage taxpayers, practitioners, or others to maintain responsibility and compliance with their tax obligations;
- (5) Coordinate with other sections or divisions within the department of taxation, other departments or branches of the state government, any branches of the county government, or the federal government on matters relating to civil enforcement of the tax laws, including joint investigations, information-sharing arrangements, or concurrent collection efforts; provided that personnel assigned to the special enforcement section ~~[may]~~ shall not participate in any criminal investigation;

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- (6) Compile information received by third parties, including taxpayers, competitors, government agencies, confidential sources, or public sources and delegate this information within the department for proper handling. Proper handling may include referral internally to other civil or criminal enforcement sections;
- (7) Conduct investigations, research, and studies of matters relevant to the complex or sensitive civil enforcement of the tax laws; ~~[and]~~
- (8) Refer and recommend cases regarding, or examination of, any segment of the economy to appropriate auditors within the department for auditing; and
- ~~[(8)]~~ (9) Perform ~~[such]~~ any other acts as may be incidental to the exercise of the functions, powers, and duties set forth in this section or as otherwise directed by the director of taxation.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 80

S.B. NO. 2475

A Bill for an Act Relating to Taxation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State’s shipping industry is critical to the people of Hawaii. It is the means by which most goods come to the islands to support our lives thousands of miles away from any continents.

The legislature also finds that, because nearly all goods are imported into the State and then transported between our islands, the costs of goods are much higher than nearly anywhere else in the United States. As such, Hawaii is extremely sensitive to the costs of goods, including the fees and taxes that are associated with shipping.

The legislature further finds that Hawaii’s general excise tax is intended to be a comprehensive tax that covers nearly all levels of transactions, not just at the point of sale. However, it has been the policy of the legislature that certain transactions should not be taxed. As a result, certain exemptions are recognized under the general excise tax law.

The legislature finds that current state law already recognizes that amounts received or accrued from certain broad categories of shipping activities, such as loading and unloading of cargo, transporting of pilots, rigging gear, checking freight and similar services, and usage of moorings and running dock lines, are exempt from the general excise tax.

The legislature also finds that the department of taxation has issued guidance regarding factors to be considered when determining whether or not amounts received as fees or taxes imposed on a third party and collected by the taxpayer should be taxed. For example, in 2008 the department issued Announcement 2008-05, which stated that rental motor vehicle customer facility charges are not subject to the general excise tax because:

- (1) The charges are assessed upon the customer;
- (2) The business serves in the capacity of a conduit or agent of the department as a collector; and

(3) The moneys do not represent gross revenue or gross proceeds. As such, the fees were deemed exempt under the three-factor test. Similarly, the same announcement stated that the newly established fee to be collected by transportation companies for the inspection, quarantine, and eradication of invasive species contained in any freight would not be subject to the general excise tax because the transportation company merely collected the fee on behalf of the department of agriculture.

The legislature further finds that, despite longstanding policy decisions and guidance provided by the department of taxation, further clarification is necessary to unequivocally provide that amounts received or accrued from certain fees and charges related to shipping should continue to be exempt under the general excise tax law.

It has long been recognized by the legislature that exemptions relating to the transportation of cargo by ship are warranted because the imposition of tax on the amounts received or accrued for interstate shipping would have a substantial negative impact on the State's economy. Increased shipping costs would ultimately be borne by consumers, leading to the further escalation of the State's cost of living. The legislature finds that this is unacceptable.

The purpose of this Act is to clarify that amounts received or accrued for stevedoring services, wharfage, and demurrage services are exempt under the general excise tax law.

SECTION 2. Section 237-24.3, Hawaii Revised Statutes, is amended to read as follows:

“§237-24.3 Additional amounts not taxable. In addition to the amounts not taxable under section 237-24, this chapter shall not apply to:

- (1) Amounts received from the loading, transportation, and unloading of agricultural commodities shipped for a producer or produce dealer on one island of this State to a person, firm, or organization on another island of this State. The terms “agricultural commodity”, “producer”, and “produce dealer” shall be defined in the same manner as they are defined in section 147-1; provided that agricultural commodities need not have been produced in the State;
- (2) Amounts received by the manager, submanager, or board of directors of:
 - (A) An association of a condominium property regime established in accordance with chapter 514B or any predecessor thereto; or
 - (B) A nonprofit homeowners or community association incorporated in accordance with chapter 414D or any predecessor thereto and existing pursuant to covenants running with the land, in reimbursement of sums paid for common expenses;
- (3) Amounts received or accrued from:
 - (A) The loading or unloading of cargo from ships, barges, vessels, or aircraft, including stevedoring services as defined in section 382-1, whether or not the ships, barges, vessels, or aircraft travel between the State and other states or countries or between the islands of the State;
 - (B) Tugboat services including pilotage fees performed within the State, and the towage of ships, barges, or vessels in and out of state harbors, or from one pier to another; ~~and~~
 - (C) The transportation of pilots or governmental officials to ships, barges, or vessels offshore; rigging gear; checking freight and

similar services; standby charges; and use of moorings and running mooring lines; and

(D) Wharfage and demurrage imposed under chapter 266 that is paid to the department of transportation;

- (4) Amounts received by an employee benefit plan by way of contributions, dividends, interest, and other income; and amounts received by a nonprofit organization or office, as payments for costs and expenses incurred for the administration of an employee benefit plan; provided that this exemption shall not apply to any gross rental income or gross rental proceeds received after June 30, 1994, as income from investments in real property in this State; and provided further that gross rental income or gross rental proceeds from investments in real property received by an employee benefit plan after June 30, 1994, under written contracts executed prior to July 1, 1994, shall not be taxed until the contracts are renegotiated, renewed, or extended, or until after December 31, 1998, whichever is earlier. For the purposes of this paragraph, "employee benefit plan" means any plan as defined in title 29 United States Code section 1002(3), as amended;
- (5) Amounts received for purchases made with United States Department of Agriculture food coupons under the federal food stamp program, and amounts received for purchases made with United States Department of Agriculture food vouchers under the Special Supplemental Foods Program for Women, Infants and Children;
- (6) Amounts received by a hospital, infirmary, medical clinic, health care facility, pharmacy, or a practitioner licensed to administer the drug to an individual for selling prescription drugs or prosthetic devices to an individual; provided that this paragraph shall not apply to any amounts received for services provided in selling prescription drugs or prosthetic devices. As used in this paragraph:

"Prescription drugs" are those drugs defined under section 328-1 and dispensed by filling or refilling a written or oral prescription by a practitioner licensed under law to administer the drug and sold by a licensed pharmacist under section 328-16 or practitioners licensed to administer drugs; provided that "prescription drugs" shall not include cannabis or manufactured cannabis products authorized pursuant to chapters 329 and 329D; and

"Prosthetic device" means any artificial device or appliance, instrument, apparatus, or contrivance, including their components, parts, accessories, and replacements thereof, used to replace a missing or surgically removed part of the human body, which is prescribed by a licensed practitioner of medicine, osteopathy, or podiatry and that is sold by the practitioner or that is dispensed and sold by a dealer of prosthetic devices; provided that "prosthetic device" shall not mean any auditory, ophthalmic, dental, or ocular device or appliance, instrument, apparatus, or contrivance;
- (7) Taxes on transient accommodations imposed by chapter 237D and passed on and collected by operators holding certificates of registration under that chapter;
- (8) Amounts received as dues by an unincorporated merchants association from its membership for advertising media, promotional, and advertising costs for the promotion of the association for the benefit of its members as a whole and not for the benefit of an individual member or group of members less than the entire membership;

- (9) Amounts received by a labor organization for real property leased to:
- (A) A labor organization; or
 - (B) A trust fund established by a labor organization for the benefit of its members, families, and dependents for medical or hospital care, pensions on retirement or death of employees, apprenticeship and training, and other membership service programs.
- As used in this paragraph, “labor organization” means a labor organization exempt from federal income tax under section 501(c)(5) of the Internal Revenue Code, as amended;
- (10) Amounts received from foreign diplomats and consular officials who are holding cards issued or authorized by the United States Department of State granting them an exemption from state taxes; and
- (11) Amounts received as rent for the rental or leasing of aircraft or aircraft engines used by the lessees or renters for interstate air transportation of passengers and goods. For purposes of this paragraph, payments made pursuant to a lease shall be considered rent regardless of whether the lease is an operating lease or a financing lease. The definition of “interstate air transportation” is the same as in 49 U.S.C. section 40102.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 81

S.B. NO. 2202

A Bill for an Act Relating to Volunteer Month.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that statistics released in November 2018 by the Corporation for National and Community Service, also known as Americorps, show that approximately seventy-seven million Americans volunteered a total of nearly seven billion hours in 2017, which is estimated to be worth \$167,000,000,000 in value.

The legislature acknowledges that many public agencies and private organizations in small towns, rural counties, and even the largest cities would not be able to function without the services provided by volunteers. From the anonymous volunteers who donate their resources to those whose efforts are part of a national organization or local grassroots group, volunteers provide valuable support to communities in times of need, including services such as fundraising; preparing, distributing, or serving food; mentoring youth; engaging in general labor; supplying transportation; providing professional or management assistance; supporting and staffing fire and ambulance departments; and providing medical care. The legislature also recognizes that volunteerism strengthens the foundation of neighborhoods and communities, as it magnifies one’s ability to perform good works and contribute to the greater good, and creates social momentum that increases the volunteer’s desire to engage fully with the community.

The legislature also finds that in 1974, the United States, through presidential proclamation, designated the third week of April as National Volunteer Week to support, extend, and enhance the vital and valuable services offered by volunteers. Since then, National Volunteer Week has grown exponentially with thousands of volunteer projects and special events scheduled throughout the week. The legislature also acknowledges that in 1991, the month of April became National Volunteer Month as part of President George H. W. Bush’s A Thousand Points of Light campaign, as a month dedicated to honoring the volunteers in communities and encouraging volunteerism.

The selfless dedication of services by volunteers in the country has been essential, especially while the nation confronted and continues to recover from the challenges caused by the coronavirus disease 2019 pandemic. Countless individuals volunteered their time, effort, and skills to administer vaccines; staff vaccination centers; conduct testing and contact tracing; and provide food, water, and other necessities to individuals who were required to stay home during this hardship. In recognition of the enduring contributions of these volunteers, on April 16, 2021, President Joseph R. Biden issued a proclamation designating April 18 through April 24, 2021, as National Volunteer Week, calling upon all Americans to observe the week by volunteering in service projects across the country and pledging to make service a part of their daily lives.

The purpose of this Act is to designate the month of April of each year as the State’s volunteer month to honor volunteers in the community and encourage participation in service projects throughout the month.

SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§8- Volunteer Month. The month of April shall be known and designated as “Volunteer Month” to honor volunteers in the community and encourage participation in service projects throughout the month. This month is not and shall not be construed as a state holiday.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 82

H.B. NO. 2475

A Bill for an Act Relating to State Holidays.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it is important for the State’s residents to learn about Hawaii’s culture and history. In 1843, King Kamehameha III established La Hoihoi Ea, also known as Restoration Day, as the first national holiday in the Hawaiian Kingdom. Historically celebrated on July 31st, La Hoihoi Ea marked the restoration of the Hawaiian Kingdom’s government after the British ambassador and a British Navy captain illegally seized control.

In 1840, Mr. Richard Charlton, Hawaii's first British ambassador, arrived in the islands and began illegally claiming certain land on Oahu. When Kamehameha I rejected the claims, Charlton left Hawaii, intending to return to England, via Mexico, so he could argue his claim to the land before Britain's Foreign Office. While in Mexico, Charlton met Lord George Paulet, a British Navy captain, and persuaded Paulet to travel with him to Hawaii to investigate his claims. Once there, Paulet seized military control of the government and had all Hawaiian flags lowered and burned in a five-month occupation that became known as the "Paulet Affair".

In light of Paulet's actions, the king sent diplomatic envoys Timoteo Haalilio and William Richards to England to present their side of the issue, ultimately gaining favor with Britain and clearing the way for removal of Paulet. Admiral Richard Thomas would later be dispatched to Hawaii, where he would remove Paulet and correct his unwarranted transgressions against the Hawaiian Kingdom and its people.

The legislature finds that, on July 31, 1843, subjects of the kingdom gathered on the grounds of what is now known as Thomas Square on the island of Oahu to witness Admiral Thomas officially restore the kingdom's government and Kamehameha I as king. Later that day, at Kawaihāo Church, the king spoke the words that would become the motto of the monarchy and in 1959 the official motto of the State of Hawaii: "Ua Mau ke Ea o ka Aina i ka Pono", or "The life of the land is perpetuated in righteousness". The commemoration of the events that occurred on this day would come to be known as La Hōihōi Ea, or Restoration Day, the kingdom's first national holiday.

After being removed as an official holiday, many would continue to remember and celebrate it in small pockets throughout the islands until it went into obscurity. Today, La Hōihōi Ea Honolulu works in partnership with the Honolulu mayor's office on culture and the arts to plan events throughout the month of July to share the importance of this day and honor upstanding members of the Hawaiian community.

The legislature notes that there have been other efforts to recognize King Kamehameha III's accomplishments and to restore official celebrations of La Hōihōi Ea. On June 16, 2015, the county council for the county of Hawaii unanimously passed Resolution No. 185-15, Draft 2, requesting the legislature to designate July 31 as La Hōihōi Ea, or Restoration Day. On July 31, 2018, the city and county of Honolulu marked the 175th anniversary of La Hōihōi Ea by installing a twelve-foot tall bronze statue of King Kamehameha III in Thomas Square park. The installation includes the state motto and Hawaii's flag.

Annual gatherings take place in Waiānae and Waimanalo on the island of Oahu, in Hamakua and Waimea on the island of Hawaii, and in Lahaina on the island of Maui. A small remembrance ceremony is also held each year in New York. The legislature believes that, given the strong interest in recognizing La Hōihōi Ea, the date should be recognized as a special day of observance rather than a state holiday.

Accordingly, the purpose of this Act is to establish July 31 of each year as La Hōihōi Ea to recognize the accomplishments of King Kamehameha III in restoring the sovereignty of the Kingdom of Hawaii and honor upstanding members of the Hawaiian community.

SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§8- La Hōihōi Ea. July 31 of each year shall be known and designated as La Hōihōi Ea to recognize the accomplishments of King Kamehameha III in restoring the sovereignty of the Kingdom of Hawaii and honor upstand-

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ing members of the Hawaiian community. La Hoihoi Ea is not and shall not be construed to be a state holiday.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 83

H.B. NO. 1692

A Bill for an Act Relating to Mobile Electronic Devices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291C-137, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Every person who violates this section shall be subject to a fine of [~~\$250~~] \$300 that shall be deposited into the state highway fund; provided that if a person violates this section while operating a motor vehicle in a school zone or construction area, as defined in section 291C-104, the fine shall be [~~\$300~~,] \$400, which shall be paid to the director of finance pursuant to section 291C-171.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 84

S.B. NO. 1211

A Bill for an Act Relating to Motor Carriers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-208, Hawaii Revised Statutes, is repealed.

SECTION 2. Statutory material to be repealed is bracketed and stricken.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 85

S.B. NO. 2118

A Bill for an Act Relating to Traffic Violations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the current language in section 291C-194, Hawaii Revised Statutes, has created confusion for law enforcement regarding its applicability. This section relates specifically to moped operation and the requirement to possess and present a valid driver's license upon request by a police officer. Section 291C-194, Hawaii Revised Statutes, is necessary to define the immediate license possession requirement specifically for moped operation and aligns with the same requirement for operators of all other motor vehicles covered under section 286-116, Hawaii Revised Statutes.

The legislature recognizes, however, that section 291C-194, Hawaii Revised Statutes, could also be interpreted to conflict with section 286-102, Hawaii Revised Statutes, which requires a driver of a moped to be properly licensed to operate a moped.

Accordingly, the purpose of this Act is to amend section 291C-194, Hawaii Revised Statutes, to clarify that this law relates specifically to the requirement for an operator of a moped to have in their immediate physical possession their current driver's license or instruction permit and to present it to a police officer upon demand.

SECTION 2. Section 291C-194, Hawaii Revised Statutes, is amended by amending the title and subsection (a) to read as follows:

“§291C-194 Driver's license possession; required. (a) No person shall drive a moped unless the person[:

(1) ~~Possesses a valid driver's license of any category listed in section 286-102 or 286-239; and~~

(2) ~~Meets the requirements of section 286-105(3).]~~

is in immediate possession of a valid driver's license or instruction permit at all times.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 86

H.B. NO. 1743

A Bill for an Act Relating to Pools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 321-11, Hawaii Revised Statutes, is amended to read as follows:

“§321-11 Subjects of health rules, generally. The department of health pursuant to chapter 91 may adopt rules that it deems necessary for the public health and safety respecting:

- (1) Nuisances, foul or noxious odors, gases, vapors, waters in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within the respective districts of the State, and on board any vessel;
- (2) Adulteration and misbranding of food or drugs;
- (3) Location, air space, ventilation, sanitation, drainage, sewage disposal, and other health conditions of buildings, courts, construction projects, excavations, pools, watercourses, areas, and alleys[;]. For purposes of this paragraph, “pool” means a watertight artificial structure containing a body of water that does not exchange water with any other body of water, either naturally or mechanically, and is used for swimming, diving, recreational bathing, or therapy by humans;
- (4) Privy vaults and cesspools;
- (5) Fish and fishing;
- (6) Interments and dead bodies;
- (7) Disinterments of dead human bodies, including the exposing, disturbing, or removing of these bodies from their place of burial, or the opening, removing, or disturbing after due interment of any receptacle, coffin, or container holding human remains or a dead human body or a part thereof and the issuance and terms of permits for the aforesaid disinterments of dead human bodies;
- (8) Cemeteries and burying grounds;
- (9) Laundries, and the laundering, sanitation, and sterilization of articles including linen and uniforms used by or in the following businesses and professions: barber shops, manicure shops, beauty parlors, electrology shops, restaurants, soda fountains, hotels, rooming and boarding houses, bakeries, butcher shops, public bathhouses, midwives, masseurs, and others in similar calling, public or private hospitals, and canneries and bottling works where foods or beverages are canned or bottled for public consumption or sale; provided that nothing in this chapter shall be construed as authorizing the prohibiting of laundering, sanitation, and sterilization by those conducting any of these businesses or professions where the laundering or sterilization is done in an efficient and sanitary manner;
- (10) Hospitals, freestanding surgical outpatient facilities, skilled nursing facilities, intermediate care facilities, adult residential care homes, adult foster homes, assisted living facilities, special treatment facilities and programs, home health agencies, home care agencies, hospices, freestanding birthing facilities, adult day health centers, independent group residences, and therapeutic living programs, but excluding youth shelter facilities unless clinical treatment of mental, emotional, or physical disease or handicap is a part of the routine program or constitutes the main purpose of the facility, as defined in section 346-16 under “child [][caring][] institution”. For the purpose of this paragraph, “adult foster home” has the same meaning as provided in section 321-11.2;
- (11) Hotels, rooming houses, lodging houses, apartment houses, tenements, and residences for persons with developmental disabilities including those built under federal funding;
- (12) Laboratories;

- (13) Any place or building where noisome or noxious trades or manufacturing is carried on, or intended to be carried on;
- (14) Milk;
- (15) Poisons and hazardous substances, the latter term including any substance or mixture of substances that:
 - (A) Is corrosive;
 - (B) Is an irritant;
 - (C) Is a strong sensitizer;
 - (D) Is inflammable; or
 - (E) Generates pressure through decomposition, heat, or other means,
 if the substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children;
- (16) Pig and duck ranches;
- (17) Places of business, industry, employment, and commerce, and the processes, materials, tools, machinery, and methods of work done therein; and places of public gathering, recreation, or entertainment;
- (18) Any restaurant, theater, market, stand, shop, store, factory, building, wagon, vehicle, or place where any food, drug, or cosmetic is manufactured, compounded, processed, extracted, prepared, stored, distributed, sold, offered for sale, or offered for human consumption or use;
- (19) Foods, drugs, and cosmetics, and the manufacture, compounding, processing, extracting, preparing, storing, selling, and offering for sale, consumption, or use of any food, drug, or cosmetic;
- (20) [Device] as defined in section 328-1;
- (21) Sources of ionizing radiation;
- (22) Medical examination, vaccination, revaccination, and immunization of school children. No child shall be subjected to medical examination, vaccination, revaccination, or immunization, whose parent or guardian objects in writing thereto on grounds that the requirements are not in accordance with the religious tenets of an established church of which the parent or guardian is a member or adherent, but no objection shall be recognized when, in the opinion of the department, there is danger of an epidemic from any communicable disease;
- (23) Disinsectization of aircraft entering or within the State as may be necessary to prevent the introduction, transmission, or spread of disease or the introduction or spread of any insect or other vector of significance to health;
- (24) Fumigation, including the process by which substances emit or liberate gases, fumes, or vapors that may be used for the destruction or control of insects, vermin, rodents, or other pests, which, in the opinion of the department, may be lethal, poisonous, noxious, or dangerous to human life;
- (25) Ambulances and ambulance equipment;
- (26) Development, review, approval, or disapproval of management plans submitted pursuant to the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519; and
- (27) Development, review, approval, or disapproval of an accreditation program for specially trained persons pursuant to the Residential

ACT 87

Lead-Based Paint Hazard Reduction Act of 1992, Public Law 102-550.

The department of health may require any certificates, permits, or licenses that it may deem necessary to adequately regulate the conditions or businesses referred to in this section.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 87

H.B. NO. 1806

A Bill for an Act Relating to Cesspool Conversion.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 342D-72, Hawaii Revised Statutes, is amended to read as follows:

~~“[§342D-72]~~ **Cesspools; mandatory upgrade, conversion, or connection.**

(a) ~~[Prior to]~~ Before January 1, 2050, every cesspool in the State, excluding cesspools granted exemptions by the director of health pursuant to subsection (b), shall be:

(1) Upgraded or converted to ~~[a septic system or aerobic treatment unit system;]~~ a director-approved wastewater system; or

(2) Connected to a sewerage system.

(b) The director of health may grant exemptions from the requirements of subsection (a) to property owners of cesspools that apply for an exemption and present documentation showing a legitimate reason that makes it infeasible to upgrade, convert, or connect the cesspools. For the purposes of this subsection, a legitimate reason shall include but not be limited to:

(1) Small lot size;

(2) Steep topography;

(3) Poor soils; or

(4) Accessibility issues.

(c) As used in this section[:

~~“Aerobic treatment unit system” means an individual wastewater system that consists of an aerobic treatment unit tank, aeration device, piping, and a discharge method that is in accordance with rules adopted by the department relating to household aerobic units.~~

~~“Cesspool”]~~, “cesspool” means an individual wastewater system consisting of an excavation in the ground whose depth is greater than its widest surface dimension, ~~[which]~~ that receives untreated wastewater, and retains or is designed to retain the organic matter and solids discharged into it, but permits the liquid to seep through its bottom or sides to gain access to the underground geographic formation.

~~[“Septic system” means an individual wastewater system that typically consists of a septic tank, piping, and a drainage field where there is natural biological decontamination as wastewater discharged into the system is filtered through soil.]”~~

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 88

S.B. NO. 2279

A Bill for an Act Relating to Catalytic Converters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that in recent years, the State has seen an increase in the number of catalytic converters being stolen from vehicles and resold for profit. Catalytic converters contain precious metals such as palladium, platinum, and rhodium, making catalytic converters highly sought after by thieves due to their high resale value. Catalytic converters are essential to motor vehicles, as they remove toxic elements from the exhaust stream, and thus are federally mandated to be installed on a vehicle. A catalytic converter can be stolen in less than sixty seconds, which can cause extensive damage to a vehicle, leading to hundreds, if not thousands of dollars in repair costs.

The purpose of this Act is to:

- (1) Establish provisions to regulate the purchase of catalytic converters by used motor vehicle parts dealers and palladium, platinum, and rhodium by scrap dealers and recyclers;
- (2) Subject persons who violate certain provisions of the used motor vehicle parts and accessories law and scrap dealer law to a class C felony;
- (3) Establish the class C felony offense of theft of catalytic converter; and
- (4) Require each county police department to maintain a database of certain reported information and initiate education programs to encourage its residents to take measures to prevent catalytic converter thefts.

SECTION 2. Chapter 289, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§289-A Statement required; catalytic converter. (a) Every licensee, before the purchase of a catalytic converter within the State, shall obtain a written statement signed by the seller certifying that the seller has the lawful right to sell and dispose of the catalytic converter. This statement shall also contain the:

- (1) Seller’s name, business or residence address, and occupation;
- (2) Description, including serial numbers and other identifying marks, when practical, of every catalytic converter;
- (3) Amount paid to the seller;
- (4) Date, time, and place of the sale; and
- (5) License plate number of any vehicle used to deliver the property to the place of purchase.

(b) The seller shall provide a copy of a receipt that describes, with particularity:

- (1) The exact item that is being offered for sale;
- (2) The name of the person who issued the receipt;

- (3) The date of sale of the item before the item's being offered to the licensee; and
- (4) The price, if any, of the item when obtained by the seller.
- (c) If a receipt is not available, the seller shall provide to the licensee a notarized declaration that describes with particularity:
 - (1) The exact item that is being offered for sale;
 - (2) The name of the person who sold or otherwise transferred the item to the seller;
 - (3) The date of sale of the item; and
 - (4) The price, if any, of the item when obtained by the seller.
- (d) If the seller does not provide a copy of the receipt or the notarized declaration as required by subsection (b) or (c), respectively, the licensee shall not purchase the catalytic converter, in whole or in part, and shall report the attempted sale to the applicable county police department.
- (e) Upon purchase of any catalytic converter, in whole or in part, the licensee shall take one or more separate photographs of each individual catalytic converter offered for sale.
- (f) The licensee shall require the seller to verify the seller's identity by presenting a valid photo identification card or driver's license issued by a federal or state government agency authorized to issue valid identification. The licensee shall:

- (1) Take a photograph of the seller; and
- (2) Make a photocopy of the photo identification card or driver's license of the seller.
- (g) The licensee shall keep at the licensee's place of business:
 - (1) The signed written statement required by subsection (a);
 - (2) The receipt or notarized declaration required by subsection (b) or (c);
 - (3) Photographs required by subsection (e); and
 - (4) The photograph of the seller and a photocopy of the seller's photo identification card or driver's license required by subsection (f),

for a period of three years after the date of purchase. The statement, receipt or notarized declaration, photographs of each individual catalytic converter offered for sale, and photograph of the seller and photocopy of the seller's photo identification may be examined at any time by the director of finance, chief of police, attorney general, prosecuting attorney, or their designees.

(h) Every licensee, when the licensee purchases a catalytic converter within the State, shall attach a tag to the catalytic converter that shall include the year, make, model, license plate number, and vehicle identification number of the vehicle from which the catalytic converter was removed and the name of the seller. The licensee shall report the purchase to the applicable county police department, the record of which shall be maintained in the police department's database. The licensee shall maintain possession of the purchased catalytic converter for a period of sixty days before selling, exchanging, recycling, or otherwise disposing of the catalytic converter.

§289-B Payment for catalytic converter purchased by licensee; check; mailing. If a licensee purchases a catalytic converter, payment for the catalytic converter shall be made by check payable to the seller. At the time of sale of the catalytic converter, the seller shall present to the licensee a valid photo identification card or driver's license of the seller issued by a federal or state government agency authorized to issue valid identification. The check may be mailed to the address shown on the identification, or the licensee may arrange for the check to be picked up personally by the seller at the place of business of the licensee."

SECTION 3. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§708- Theft of catalytic converter. (1) A person commits the offense of theft of catalytic converter if the person commits theft of a catalytic converter.

(2) For the purposes of this section, “catalytic converter” shall have the same meaning as that term is defined in section 289-1.

(3) Theft of catalytic converter is a class C felony.”

SECTION 4. Section 289-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Catalytic converter” means a device that is incorporated in a motor vehicle’s exhaust system and contains a catalyst for converting pollutant gas emissions into less harmful emissions, regardless of whether the device has been removed from a motor vehicle’s exhaust system.”

SECTION 5. Section 289-8, Hawaii Revised Statutes, is amended to read as follows:

“§289-8 Penalties. (a) Whoever violates any of the provisions of this chapter or any lawful rule or regulation promulgated by the director of finance under authority of this chapter, for the violation of which no penalty is provided by law, shall be fined not less than \$25 nor more than \$500.

(b) Any person who violates section 289-2, 289-A, or 289-B shall be guilty of a class C felony.”

SECTION 6. Section 445-233, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) If the scrap presented for purchase is copper, palladium, platinum, rhodium, a beer keg, or an urn, in whole or in part, the seller shall provide a copy of a receipt that describes, with particularity:

- (1) The exact item that is being offered for sale;
- (2) ~~Who~~ The name of the person who issued the receipt;
- (3) The date of sale of the item ~~[prior to]~~ before the item’s being offered to the scrap dealer; and
- (4) The price, if any, of the item when obtained by the seller.”

2. By amending subsections (d) through (f) to read:

“(d) If the seller does not provide a copy of the receipt or the notarized declaration as required by [subsections] subsection (b) [and] or (c), respectively, the scrap dealer shall not purchase the copper, palladium, platinum, rhodium, beer keg, or urn, in whole or in part, and shall report the attempted sale to the applicable county police[-] department.

(e) ~~[If the scrap dealer purchases]~~ Upon purchase of any copper, palladium, platinum, rhodium, beer keg, or urn, in whole or in part, the scrap dealer shall take ~~[a photograph of]~~ one or more separate photographs of [all of the copper, beer keg, or urn,] each individual item offered for sale.

(f) The scrap dealer shall ~~[also]~~ require the seller to verify the seller’s identity by presenting a valid photo identification card or driver’s license issued by a federal or state government agency authorized to issue valid identification. If the scrap being offered for sale is copper, palladium, platinum, rhodium, a beer keg, or an urn, in whole or in part, the scrap dealer shall:

- (1) Take a photograph of the seller; ~~[or]~~ and

- (2) Make a photocopy of the identification card or driver's license of the seller.”

SECTION 7. Section 445-233.5, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“[§445-233.5] Payment [of] for copper, palladium, platinum, or rhodium purchased by scrap dealer or recycler; check; mailing. (a) If the scrap dealer or recycler, as applicable, purchases any copper, palladium, platinum, or rhodium, payment for the copper, palladium, platinum, or rhodium, shall be made by check payable to the seller. At the time of sale of the copper, palladium, platinum, or rhodium, the seller shall present to the scrap dealer or recycler a valid photo identification card or driver's license of the seller issued by a federal or state government agency authorized to issue valid identification. The check may be mailed to the address shown on the identification, or the scrap dealer or recycler may arrange for the check to be picked up personally by the seller at the place of business of the scrap dealer or recycler.”

SECTION 8. Section 445-235, Hawaii Revised Statutes, is amended to read as follows:

“§445-235 Prohibitions; penalty. (a) Any person who violates section 445-232, 445-233, or 445-233.5, or any person who falsifies a statement required by section 445-233, shall be guilty of a misdemeanor ~~[and shall be sentenced in accordance with chapter 706, except that the court shall impose a minimum sentence of:]~~ provided that any person who:

- (1) Violates section 445-233 or 445-233.5; or
- (2) Falsifies a statement required by section 445-233,

that involves the purchase of palladium, platinum, or rhodium, shall be guilty of a class C felony.

(b) In addition to any penalties the court may impose pursuant to subsection (a), the court shall order, at minimum:

- (1) A fine of \$1,000 for the first offense;
- (2) A fine of \$3,000 for the second offense; and
- (3) A fine of \$5,000 and the suspension of the scrap dealer's license for a period of six months for the third or subsequent offense; provided that if the third or subsequent offense occurs within a five-year period from the occurrence of two prior offenses, the scrap dealer shall be subject to license revocation.”

SECTION 9. Each county police department shall:

- (1) Establish a database for collecting and maintaining the information reported pursuant to section 2 of this Act; and
- (2) Initiate an education program to encourage its residents to take personal measures to prevent catalytic converter thefts, including having an auto service center paint their vehicle's catalytic converter with high temperature orange paint appropriate for automobiles and have a service technician engrave the vehicle identification number on the catalytic converter as a preventative measure to deter thieves from stealing or attempting to sell or scrap a catalytic converter.

SECTION 10. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 12. This Act shall take effect on January 1, 2023; provided that section 3 and section 4 of this Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 89

S.B. NO. 2382

A Bill for an Act Relating to Cabaret Licenses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 281-31, Hawaii Revised Statutes, is amended by amending subsection (k) to read as follows:

“(k) Class 11. Cabaret license. A cabaret license shall be general only but shall exclude alcohol and shall authorize the sale of liquor for consumption on the premises. ~~[This]~~ A cabaret license shall be issued only for premises where food is served, facilities for dancing by the patrons including a dance floor are provided, and live or amplified recorded music or professional entertainment, except professional entertainment by a person who performs or entertains unclothed, is provided for the patrons; provided that professional entertainment by persons who perform or entertain unclothed shall be authorized by:

- (1) A cabaret license for premises where professional entertainment by persons who perform or entertain unclothed was presented on a regular and consistent basis immediately prior to June 15, 1990; or
- (2) A cabaret license that, pursuant to rules adopted by the liquor commission, permits professional entertainment by persons who perform or entertain unclothed.

A cabaret license under paragraph (1) or (2) authorizing professional entertainment by persons who perform or entertain unclothed shall be transferable through June 30, 2000. A cabaret license under paragraph (1) or (2) authorizing professional entertainment by persons who perform or entertain unclothed shall not be transferable after June 30, 2000, except upon approval by the liquor commission and pursuant to rules adopted by the commission. Notwithstanding any rule of the liquor commission to the contrary, cabarets in resort areas may be opened for the transaction of business until 4 a.m. throughout the entire week. A cabaret license shall not be issued for any premises located within an apartment mixed use subprecinct within a special improvement or special district in which the economy is primarily based on tourism.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 602-51, Hawaii Revised Statutes, is amended to read as follows:

“§602-51 How constituted. The intermediate appellate court shall consist of a chief judge and [~~five~~] six associate judges. The chief judge, who shall be specifically selected, shall supervise the administrative duties of the court.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$478,326 or so much thereof as may be necessary for fiscal year 2022-2023 to the judiciary for an additional intermediate appellate court associate judge, which shall be allocated as follows:

- (1) \$214,788 for the establishment of one permanent full-time equivalent (1.0 FTE) intermediate appellate court associate judge position;
- (2) \$86,688 for the establishment of one permanent full-time equivalent (1.0 FTE) judicial assistant position;
- (3) \$134,400 for the establishment of two permanent full-time equivalent (2.0 FTE) law clerk positions; and
- (4) \$42,450 for equipment, books, and furniture for the new associate judge’s chambers.

The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

A Bill for an Act Relating to Filing Fees.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that having different filing fee schedules for divorce and paternity actions creates a burdensome and confusing situation for low-income litigants. Although the waiver of initial filing fees for termination of parental right actions, including paternity actions, was intended to reduce the burden on unmarried litigants who may have less ability to pay the initial filing fee, the fees to file subsequent motions still create significant ongoing expense in paternity cases. Eliminating fees to file motions and increasing the initial filing fee in paternity cases to match the filing fee in divorce cases will reduce uncertainty regarding the cost of paternity actions by requiring a single fee at the initiation of the case, as opposed to an unknown number of fees as the case progresses.

Accordingly, the purpose of this Act is to alter the filing fee schedules for actions to determine father and child relationships to achieve parity with divorce cases by:

- (1) Establishing an initial filing fee of \$100; and
- (2) Eliminating the filing fee to file motions.

SECTION 2. Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The fees referred to in subsection (a) are:

- (1) Except for petitions for temporary restraining order under section 604-10.5, the fee for which shall be the same as that provided in section ~~[607-5(b)(19);]~~ 607-5(b)(20), for the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (6) \$100
- (2) Intervention; answer containing one or more cross-claims or counterclaims; third-party complaint, for each such matter..... \$10
- (3) Demand for jury trial.....Fee prescribed by section 607-5
- (4) Filing of notice of appeal, to be paid in addition to the deposit of appellate court costs \$100
- (5) Making of a copy; comparing of copy with original..... Fees prescribed by section 92-21
- (6) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed Amounts necessary to cover actual costs or disbursements
- (7) Administrative costs associated with the processing of traffic citations that involve stopping (when prohibited), standing, or parking.....\$10 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (8) Administrative costs associated with the processing of traffic citations which do not involve stopping, standing, or parking.....\$40 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (9) Administrative costs associated with the processing of traffic citations issued for violations of a statute or ordinance relating to vehicles or their drivers, or owners, except those as provided by paragraphs (7) and (8).....\$30 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (10) Administrative costs associated with the processing of all civil filings except those brought by the State or any of the various counties and political subdivisions of the State, those commenced by a petition for temporary restraining order under section 604-10.5, and those commenced and conducted in the small claims division of the district court..... \$20.”

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SECTION 3. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) **PART I**

Action or proceeding, general:

- (1) Civil action or special proceeding, unless another item in part I applies \$200
- (1a) Petition for conversion of nonjudicial foreclosure to judicial foreclosure \$250
- (2) Appeal to a circuit court \$100
- (3) Transfer of action to circuit court from district court, in addition to district court fees \$125

Trusts:

- (4) Proceeding for (A) appointment of trustee; (B) appointment of successor; (C) resignation of trustee; (D) instructions; (E) approval of investment; (F) approval of sale, mortgage, lease, or other disposition of property; (G) approval of compromise of claim, for each such matter \$100
- (5) Proceeding for (A) removal of trustee; (B) order requiring accounting; (C) invalidation of action taken by trustee; (D) termination of trust, for each such matter \$100
- (6) Accounting, this fee to be paid for each account filed and to include the settlement of the account \$10
- (7) Vesting order no charge under part I
- (8) Allowance of fees of trustees, attorneys, or other fees for services incurred in a proceeding for which a fee has been paid under this section no charge under part I
- (8a) Registration of a trust, or release of registration, under chapter 560 \$3
- (9) Any other proceeding relating to a trust \$15

Conservatorship:

- (10) Proceeding for (A) appointment; (B) appointment of successor; (C) resignation; (D) instructions, unless included in one of the foregoing proceedings; (E), (F), (G) approval of any matter listed in (E), (F), or (G) of item (4) in relation to a trust, for each such matter \$100
- (11) Proceeding of the nature listed in (A), (B), (C), or (D) of item (5) in relation to a trust, for each such matter \$15
- (12) Accounting, same as provided by item (6) in relation to a trust \$10
- (13) Any other proceeding relating to a conservatorship no charge under part I

Guardianship:

- (13a) Guardianship, including all matters of the nature listed in items (4) to (9), whether in family or circuit court \$100

Probate (decedents' estates). These fees include all matters of the nature listed in items (4) to (9), without additional charge:

- (14) Probate, administration, domiciliary foreign personal representative, or ancillary administration, this fee to be paid once only for each decedent's estate \$100

Family court cases:

- (15) Matrimonial action (annulment, divorce, separation, or separate maintenance) \$100
- (16) Adoption \$100

- (17) Guardianship, including all matters of the nature listed in items (4) to (9)..... As provided in item [13(a)] 13a
- (18) Termination of parental rights, except determinations of father and child relationship pursuant to section 584-6..... no charge under part I
- (19) Determinations of father and child relationship pursuant to section 584-6..... \$100
- [49] (20) Any other family court proceeding, except motions or other pleadings in matrimonial, adoption, determinations of father and child relationship pursuant to section 584-6, and guardianship actions, but including without limitation custody proceedings even if in the form of an habeas corpus proceeding \$15”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 92

S.B. NO. 2869

A Bill for an Act Relating to Spousal Support.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 571-52, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Whenever any person has been ordered to pay an allowance for the support of a child or for the support and maintenance of a spouse or former spouse, and fails or refuses to obey or perform the order and has been adjudged guilty of contempt of court for such failure or refusal, the court may make an order that shall operate as an assignment by the person for the benefit of the child or spouse[.] of [such] amounts at such times as may be specified in the order[.] from any income due or to become due in the future to [such] the person from the person’s employer or successor employers[.] until further order of the court. For orders solely for the support or maintenance of a spouse or former spouse, the spouse or former spouse may elect to enforce the order pursuant to chapter 651, 652, or 653, in which case no assignment shall be made to the clerk of the court pursuant to this section.

The assignment of the amounts shall be to the clerk of the court where the order is entered if for the support or maintenance of a spouse or former spouse, unless the spouse or former spouse elects to enforce the order pursuant to chapter 651, 652, or 653, or to the child support enforcement agency if for the support of a child or if child support and spouse support are contained in the same order. The order of assignment to the child support enforcement agency shall be in the standard format prescribed by Title IV-D of the Social Security Act, as amended by the child support enforcement agency. The order of assignment shall be effective immediately after service upon an employer of a true copy of the order, which service may be effected by regular mail, [by] personal delivery, or [by] transmission through electronic means.

Thereafter, the employer shall for each pay period withhold from any income due to the person from the employer, and not required to be withheld by any other provision of federal or state law, and transmit to the clerk of the court or child support enforcement agency as set forth in the order, as much as may

remain payable to the person for ~~such~~ the pay period up to the amount specified in the order of assignment as being payable during the same period. The person ordered to pay shall inform the court immediately of any change that would affect the order of assignment or the disbursement thereof.

Compliance by an employer with the order of assignment shall operate as a discharge of the employer’s liability to the employee for that portion of the employee’s income withheld and transmitted to the clerk of court or child support enforcement agency, as the case may be, regardless of whether ~~or not~~ the employer has withheld the correct amount.

(b) Notwithstanding the provisions of subsection (a) to the contrary, whenever a court has ordered any person (hereinafter “obligor”) to make periodic payments toward the support of a child, upon petition of the person to whom ~~such~~ the payments are ordered to be made or that person’s assignee, and the court finds the obligor to be delinquent in payments in an amount equal to or greater than the sum of payments that would become due over a one-month period under the order, judgment, or decree providing for child support, the court shall order an assignment of future income, or a portion thereof, of the obligor in an amount adequate to ~~insure~~ ensure that past due payments and payments that will become due in the future under the terms of the support order will be paid. ~~Such an~~ That order shall operate as an assignment by the obligor to the child support enforcement agency and shall be binding upon any person who is or shall become obligated to the obligor for payment of income and who has been served with a copy of the assignment order.

For each payment made pursuant to an assignment order, the person making ~~such~~ the payment may deduct and retain as an administrative fee the additional amount of \$2 from the income owed to the obligor. Any assignment made pursuant to an assignment order shall have priority as against any garnishment, attachment, execution, or other assignment order, or any other order unless otherwise ordered by the court and the same shall not be subject to any of the exemptions or restrictions contained in part III of chapter 651, and chapters 652 and 653~~[-];~~ provided that orders solely for the support or maintenance of a spouse or former spouse may be enforced directly pursuant to chapter 651, 652, or 653, if elected by the spouse or former spouse, and payments shall not be assigned to the clerk of the court.

For purposes of this subsection, delinquencies in payments shall be computed on the basis of the moneys owed and unpaid on the date that the obligor under the support order has been given notice pursuant to law of the application for the order of assignment. The fact that the obligor may have subsequently paid ~~such~~ the delinquencies shall not relieve the court of its duty under this subsection to order the assignment.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 93

S.B. NO. 3044

A Bill for an Act Relating to Tobacco Manufacturer Qualified Escrow Funds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 675, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§675- Assignment of interest in qualified escrow fund to the State. (a)

A tobacco product manufacturer that elects to place funds into a qualified escrow fund pursuant to section 675-3(b) may assign to the State the tobacco product manufacturer’s interest in any moneys in the qualified escrow fund.

(b) An assignment executed pursuant to subsection (a) shall be permanent and irrevocable and shall apply to all moneys in the qualified escrow fund, including all moneys deposited into the qualified escrow fund before the tobacco product manufacturer executes the assignment, all moneys deposited into the qualified escrow fund after the tobacco product manufacturer executes the assignment, and any interest or other appreciation earned on any moneys in the qualified escrow fund.

(c) A qualified escrow agreement, as referenced in section 486P-5(c)(4), may be amended by the parties to the agreement for the purpose of executing an assignment pursuant to subsection (a).

(d) An assignment executed pursuant to subsection (a) shall be in writing and shall be signed by the assignee and the assignor or by an authorized agent or representative thereof. An executed assignment becomes enforceable after a copy of the assignment is delivered to the attorney general and the financial institution where the qualified escrow fund is maintained.

(e) Notwithstanding the provisions of section 675-3(b), funds assigned to the State shall be deposited in the Hawaii tobacco settlement special fund established pursuant to section 328L-2.

(f) Nothing in this section shall operate to:

- (1) Waive the right of the State to bring a claim against a tobacco product manufacturer, except that any funds assigned to the State under this section shall be credited on a dollar-for-dollar basis against any judgment or settlement; or
- (2) Relieve a tobacco product manufacturer from any obligation or duty imposed pursuant to chapter 245, chapter 486P, or this chapter.

(g) When a qualified escrow fund has been deemed abandoned by a tobacco product manufacturer according to the criteria set by each financial institution, the financial institution maintaining the qualified escrow fund and acting as the escrow agent may file a petition in circuit court for an order authorizing a transfer of funds in the qualified escrow fund to the State. The petition shall state the factual and legal bases for the relief sought. The financial institution shall serve the petition on the attorney general at the time the petition is filed. Upon a finding that the fund has been abandoned, the court may order the transfer of funds in the qualified escrow fund to the Hawaii tobacco settlement special fund established pursuant to section 328L-2.

(h) The department of the attorney general may adopt rules pursuant to chapter 91 necessary to implement this section.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Operating a Vehicle Under the Influence of an Intoxicant.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291E-61, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A person committing the offense of operating a vehicle under the influence of an intoxicant shall be sentenced without possibility of probation or suspension of sentence as follows:

- (1) Except as provided in paragraph (4), for the first offense, or any offense not preceded within a ten-year period by a conviction for an offense under this section or section 291E-4(a):
 - (A) A fourteen-hour minimum substance abuse rehabilitation program, including education and counseling, or other comparable ~~[program]~~ programs deemed appropriate by the court;
 - (B) ~~[One-year revocation]~~ Revocation of license to operate a vehicle~~[:]~~ for no less than one year and no more than eighteen months;
 - (C) Installation during the revocation period of an ignition interlock device on all vehicles operated by the person;
 - (D) Any one or more of the following:
 - (i) Seventy-two hours of community service work;
 - (ii) No less than forty-eight hours and no more than five days of imprisonment; or
 - (iii) A fine of no less than \$250 ~~[but]~~ and no more than \$1,000;
 - (E) A surcharge of \$25 to be deposited into the neurotrauma special fund; and
 - (F) A surcharge, if the court so orders, of up to \$25 to be deposited into the trauma system special fund;
- (2) For an offense that occurs within ten years of a prior conviction for an offense under this section:
 - (A) A substance abuse program of at least thirty-six hours, including education and counseling, or other comparable programs deemed appropriate by the court;
 - (B) Revocation of license to operate a vehicle for no less than two years ~~[but]~~ and no more than three years;
 - (C) Installation during the revocation period of an ignition interlock device on all vehicles operated by the person;
 - (D) Either one of the following:
 - (i) No less than two hundred forty hours of community service work; or
 - (ii) No less than five days ~~[but]~~ and no more than thirty days of imprisonment, of which at least forty-eight hours shall be served consecutively;
 - (E) A fine of no less than \$1,000 ~~[but]~~ and no more than \$3,000, to be deposited into the state drug and alcohol toxicology testing laboratory special fund;
 - (F) A surcharge of \$25 to be deposited into the neurotrauma special fund; and
 - (G) A surcharge of up to \$50, if the court so orders, to be deposited into the trauma system special fund;

- (3) In addition to a sentence imposed under paragraphs (1) and (2), any person eighteen years of age or older who is convicted under this section and who operated a vehicle with a passenger, in or on the vehicle, who was younger than fifteen years of age, shall be sentenced to an additional mandatory fine of \$500 and an additional mandatory term of imprisonment of forty-eight hours; provided that the total term of imprisonment for a person convicted under this paragraph shall not exceed the maximum term of imprisonment provided in paragraph (1) or (2), as applicable. Notwithstanding paragraphs (1) and (2), the revocation period for a person sentenced under this paragraph shall be no less than two years;
- (4) In addition to a sentence imposed under paragraph (1), for a first offense under this section, or an offense not preceded within a ten-year period by a conviction for an offense, any person who is convicted under this section and was a highly intoxicated driver at the time of the subject incident shall be sentenced to an additional mandatory term of imprisonment for forty-eight consecutive hours and an additional mandatory revocation period of six months; provided that the total term of imprisonment for a person convicted under this paragraph shall not exceed the maximum term of imprisonment provided in paragraph (1). Notwithstanding paragraph (1), the revocation period for a person sentenced under this paragraph shall be no less than eighteen months;
- (5) In addition to a sentence under paragraph (2), for an offense that occurs within ten years of a prior conviction for an offense under this section, any person who is convicted under this section and was a highly intoxicated driver at the time of the subject incident shall be sentenced to an additional mandatory term of imprisonment of ten consecutive days and an additional mandatory revocation period of one year; provided that the total term of imprisonment for a person convicted under this paragraph shall not exceed the maximum term of imprisonment provided in paragraph (2), as applicable. Notwithstanding paragraph (2), the revocation period for a person sentenced under this paragraph shall be no less than three years; ~~and~~
- (6) A person sentenced pursuant to paragraph (1)(B) may file a motion for early termination of the applicable revocation period if the person:
- (A) Was not sentenced to any additional mandatory revocation period pursuant to paragraph (3) or (4);
 - (B) Actually installed and maintained an ignition interlock device on all vehicles operated by the person for a continuous period of six months, after which the person maintained the ignition interlock device on all vehicles operated by the person for a continuous period of three months without violation;
 - (C) Includes with their motion for early termination a certified court abstract establishing that they were not sentenced to any additional mandatory revocation period pursuant to paragraph (3) or (4);
 - (D) Includes with their motion for early termination a certified statement from the director of transportation establishing that:

- (i) The person installed and maintained an ignition interlock device on all vehicles operated by the person for a continuous period of six months; and
- (ii) After the six-month period, the person maintained the ignition interlock device on all vehicles operated by the person for a continuous period of three months without violation; and
- (E) Has complied with all other sentencing requirements.
Nothing in this paragraph shall require a court to grant early termination of the revocation period if the court finds that continued use of the ignition interlock device will further the person's rehabilitation or compliance with this section;
- [(6)] (7) If the person demonstrates to the court that the person:
 - (A) Does not own or have the use of a vehicle in which the person can install an ignition interlock device during the revocation period; or
 - (B) Is otherwise unable to drive during the revocation period, the person shall be ~~[absolutely]~~ prohibited from driving during the period of applicable revocation provided in paragraphs (1) to ~~[(3)]~~ (5); provided that the person shall be sentenced to the maximum license revocation period, the court shall not issue an ignition interlock permit pursuant to subsection (i), and the person shall be subject to the penalties provided by section 291E-62 if the person drives during the applicable revocation period~~[-]; and~~
- (8) For purposes of this subsection, "violation" means:
 - (A) Providing a sample of .04 or more grams of alcohol per two hundred ten liters of breath when starting the vehicle, unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than .02 and the digital image confirmed the same person provided both samples;
 - (B) Providing a sample of .04 or more grams of alcohol per two hundred ten liters of breath on a rolling retest, unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than .02 and the digital image confirms the same person provided both samples;
 - (C) Failing to provide a rolling retest, unless an acceptable test is performed within ten minutes;
 - (D) Violating section 291E-66; or
 - (E) Failing to provide a clear photo of the person when the person blows into the ignition interlock device."

SECTION 2. Section 291E-62, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) No person whose license and privilege to operate a vehicle have been revoked, suspended, or otherwise restricted pursuant to this section ~~[or to]~~, part III ~~[or]~~, section 291E-61 or 291E-61.5, or ~~[to]~~ part VII or part XIV of chapter 286 or section 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions were in effect on December 31, 2001, shall operate or assume actual physical control of any vehicle:

- (1) In violation of any restrictions placed on the person's license;
- (2) While the person's license or privilege to operate a vehicle remains suspended or revoked;

- (3) Without installing an ignition interlock device required by this chapter; or
- (4) With an ignition interlock permit unless the person has the ignition interlock permit and government-issued identification in the person's immediate possession. For purposes of this paragraph, "government-issued identification" means:
- (A) A passport issued by the United States of America; or
- (B) A photo identification card issued by any federal, state, or local government."
2. By amending subsection (c) to read:
- "(c) Any person convicted of violating this section shall be sentenced as follows without possibility of probation or suspension of sentence:
- (1) For a first offense, or any offense not preceded within a ~~[five-year]~~ ten-year period by conviction for an offense under this section, section 291E-66, or section 291-4.5 as that section was in effect on December 31, 2001:
- (A) A term of imprisonment of no less than three consecutive days ~~[but]~~ and no more than thirty days;
- (B) A fine of no less than \$250 ~~[but]~~ and no more than \$1,000, to be deposited into the state drug and alcohol toxicology testing laboratory special fund; and
- (C) Revocation of license and privilege to operate a vehicle for an additional year; ~~and~~
- ~~(D) Loss of the privilege to operate a vehicle equipped with an ignition interlock device, if applicable;]~~
- (2) For an offense that occurs within ~~[five]~~ ten years of a prior conviction for an offense under this section, section 291E-66, or section 291-4.5 as that section was in effect on December 31, 2001:
- (A) Thirty days imprisonment;
- (B) A \$1,000 fine, to be deposited into the state drug and alcohol toxicology testing laboratory special fund; and
- (C) Revocation of license and privilege to operate a vehicle for an additional two years; ~~and~~
- ~~(D) Loss of the privilege to operate a vehicle equipped with an ignition interlock device, if applicable; and]~~
- (3) For an offense that occurs within ~~[five]~~ ten years of two or more prior convictions for offenses under this section, section 291E-66, or section 291-4.5 as that section was in effect on December 31, 2001, or any combination thereof:
- (A) ~~[One]~~ No less than six months and no more than one year imprisonment;
- (B) A \$2,000 fine, to be deposited into the state drug and alcohol toxicology testing laboratory special fund; and
- (C) Permanent revocation of the person's license and privilege to operate a vehicle; and
- ~~[(D) Loss of the privilege to operate a vehicle equipped with an ignition interlock device, if applicable.]~~
- (4) In addition to a sentence imposed under paragraphs (1) through (3), any person who is convicted under this section and also convicted under section 291E-61 or 291E-61.5, for an offense based on the same incident or arising from the same episode, shall be sentenced to terms of imprisonment for both offenses, which shall be served consecutively."

SECTION 3. Section 291E-66, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§291E-66]]~~ Circumvention of, or tampering with, an ignition interlock device by a person who has been restricted to operating a vehicle equipped with an ignition interlock device; penalties. (a) No person whose driving privileges have been restricted to operating a vehicle equipped with an ignition interlock device shall knowingly~~[:]~~ circumvent or tamper with an ignition interlock device in any way, including but not limited to:

- (1) ~~[Request, solicit, direct, or authorize]~~ Requesting, soliciting, directing, or authorizing another person to blow into an ignition interlock device or start a vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has been restricted by law to operating only a vehicle so equipped; ~~[ø]~~
- (2) ~~[Tamper]~~ Tampering with an ignition interlock device with the intent to render it inaccurate or inoperable~~[-];~~
- (3) Obscuring a camera lens associated with an ignition interlock device; or
- (4) Failing to provide a picture of the driver.

(b) Any person required under subsection (a) to drive using an ignition interlock device~~[-]~~ who violates subsection (a) shall be sentenced without possibility of probation or suspension of sentence as follows:

- (1) For a first offense, or any offense not preceded within a ~~[five-year]~~ ten-year period by conviction under this section or section 291E-62(a)(3):
 - (A) A term of imprisonment of ~~[not]~~ no less than three consecutive days ~~[but not]~~ and no more than thirty days;
 - (B) A fine of ~~[not]~~ no less than \$250 ~~[but not]~~ and no more than \$1,000; and
 - (C) Loss of the privilege to operate a vehicle equipped with an ignition interlock device;
- (2) For an offense that occurs within ~~[five]~~ ten years of a prior conviction for an offense under this section or section 291E-62(a)(3):
 - (A) Thirty days imprisonment;
 - (B) A \$1,000 fine; and
 - (C) Loss of the privilege to operate a vehicle equipped with an ignition interlock device; and
- (3) For an offense that occurs within ~~[five]~~ ten years of two or more prior convictions for offenses under this section or section 291E-62(a)(3), or any combination thereof:
 - (A) One year imprisonment;
 - (B) A \$2,000 fine; and
 - (C) Loss of the privilege to operate a vehicle equipped with an ignition interlock device.”

SECTION 4. Act 216, Session Laws of Hawaii 2021, is amended by amending section 10 to read as follows:

“SECTION 10. This Act shall take effect on July 1, 2021~~[-];~~ provided that the amendments made to sections 291E-61 and 291E-61.5, Hawaii Revised Statutes, by sections 5 and 6, respectively, of this Act shall not be repealed when those sections are reenacted on June 30, 2026, pursuant to section 11 of Act 196, Session Laws of Hawaii 2021.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on January 1, 2023; provided that the amendments made to sections 291E-61 and 291E-62, Hawaii Revised Statutes, by sections 1 and 2, respectively, of this Act shall not be repealed when those sections are reenacted on June 30, 2026, pursuant to section 11 of Act 196, Session Laws of Hawaii 2021.

(Approved June 17, 2022.)

ACT 95

H.B. NO. 1587

A Bill for an Act Relating to an Intrastate Mutual Aid System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that some emergencies are so consequential or urgent that they can overwhelm political jurisdictions and their available resources. In such cases, intergovernmental coordination is essential for the protection of lives and property. Systems of mutual assistance allow for political jurisdictions to assist in the prevention of, response to, and recovery from, these types of emergencies.

The purpose of this Act is to establish a system of intrastate mutual aid that will allow counties to provide assistance across jurisdictional lines during emergencies.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER INTRASTATE MUTUAL AID ACT

§ -1 **Short title.** This chapter shall be known and may be cited as the Intrastate Mutual Aid Act.

§ -2 **Definitions.** For the purposes of this chapter, unless the context otherwise requires:

“Agency” means the Hawaii emergency management agency.

“Assistance” means emergency responders and resources provided by a responding member county in response to a request from a requesting member county.

“County” means the city and county of Honolulu or the county of Hawaii, Kauai, or Maui; provided that the county of Maui shall include the county of Kalawao for the purposes of this chapter.

“Emergency” means an event or set of circumstances that:

- (1) Demands immediate action to preserve public health, protect life and public property, or provide relief to any stricken community overtaken by the event or circumstance; or
- (2) Reaches a dimension or degree of destructiveness as to warrant the declaration of a state of emergency or local state of emergency, pursuant to section 127A-14.

“Emergency responder” means:

- (1) An employee of a responding member county who is designated in writing by that responding member county as possessing skills, qualifications, training, knowledge, or experience that may be necessary, pursuant to a request for assistance under this chapter, for:
 - (A) Response, mitigation, or recovery activities related to an emergency; or
 - (B) Participation in drills or exercises in preparation for an emergency; or
- (2) Any person with specialized equipment operations skills or training or any other skills necessary to provide aid in an emergency, regardless of whether the person possesses a license, certificate, permit, or other official recognition for expertise in a particular field or area of knowledge.

“Emergency responder” includes but is not limited to law enforcement officers, fire fighters, emergency medical services personnel, physicians, nurses, other public health personnel, emergency management personnel, and public works personnel.

“Operational control” means the limited authority to direct tasks, assignments, and use of assistance provided pursuant to a request for assistance issued under this chapter to address:

- (1) Response, mitigation, or recovery activities related to an emergency; or
- (2) Participation in drills or exercises in preparation for an emergency.

“Operational control” does not include any right, privilege, or benefit of ownership or employment, including disposition, compensation, wages, salary, pensions, health benefits, leave, seniority, discipline, promotion, hiring, or firing.

“Requesting member county” means a member county that requests assistance from another member county under this chapter.

“Resources” includes supplies, materials, equipment, facilities, energy, services, information, systems, and other assets that may be necessary, pursuant to a request for assistance under this chapter, for:

- (1) Response, mitigation, or recovery activities related to an emergency; or
- (2) Participation in drills or exercises in preparation for an emergency.

“Resources” does not include emergency responders.

“Responding member county” means a member county providing or intending to provide assistance to a requesting member county under this chapter.

§ -3 Intrastate mutual aid system; established. (a) The intrastate mutual aid system is established to provide for mutual assistance, during an emergency, among counties that choose to participate as member counties. Each county shall be considered a member county unless the county is released in accordance with subsection (b).

(b) A member county shall be released from membership in the intrastate mutual aid system established under this chapter upon receipt by the agency of a resolution or ordinance declaring that the member county elects not to participate in the system.

(c) Nothing in this chapter may be construed to affect other mutual aid plans or agreements otherwise authorized by law, including under chapter 127A, or preclude a county from entering or participating in those mutual aid plans or agreements.

(d) Mutual assistance may be requested by, and provided to, member counties under this chapter for:

- (1) Response, mitigation, or recovery activities related to an emergency; or
 - (2) Participation in drills or exercises in preparation for an emergency.
- (e) The agency shall develop comprehensive guidelines and procedures that address at least the following:
- (1) Projected or anticipated costs;
 - (2) Checklists for requesting and providing assistance;
 - (3) Recordkeeping for all member counties;
 - (4) Reimbursement procedures; and
 - (5) Other necessary implementation elements, including necessary forms for requests and other records documenting deployment and return of assets.

§ -4 Responsibilities of member counties. It shall be the responsibility of each member county to:

- (1) Use an identification system common to all member counties to identify potential hazards that may affect the member county;
- (2) Conduct joint planning, intelligence sharing, and threat assessment development with other member counties; and
- (3) Identify and inventory the current services, equipment, supplies, personnel, and other resources related to planning, prevention, mitigation, response, and recovery activities of the member county.

§ -5 Requesting assistance. A member county may request assistance from other member counties under the intrastate mutual aid system for response, mitigation, or recovery activities related to an emergency, or to participate in drills or exercises in preparation for an emergency, subject to each of the following provisions:

- (1) Prior to requesting assistance, a requesting member county shall:
 - (A) Have determined an emergency exists within the requesting member county's territorial limits pursuant to chapter 127A; or
 - (B) Anticipate undertaking drills or exercises in preparation for an emergency;
- (2) The mayor of a requesting member county, or authorized designee, shall request assistance directly from the mayor, or authorized designee, of another member county; provided that if this request is oral, the request shall be confirmed in writing within thirty days after the date of the request;
- (3) A responding member county may withhold or withdraw requested assistance at any time and for any reason, in the responding member county's sole discretion;
- (4) A responding member county shall designate in writing all assistance that the responding member county is providing to a requesting member county at the time provided, consistent with the guidelines and procedures developed by the agency, and deliver copies of this documentation to the requesting member county within thirty days after the assistance is provided; and
- (5) The requesting member county shall only have operational control of assistance provided under this chapter, which shall not interfere with a responding member county's right to withdraw assistance.

§ -6 Qualifications of emergency responders for the purposes of the requesting member county. An emergency responder holding a license, certificate, or other permit evidencing qualification in a professional, mechanical, or other skill, issued by the State or a county, shall be deemed to be licensed, certified, or

permitted in the requesting member county for the duration of the emergency, drill, or exercise, subject to any limitations and conditions that the mayor of the requesting member county may prescribe in writing.

§ -7 Emergency responder status and rights. (a) An emergency responder shall not be considered an employee of the requesting member county and shall not be entitled to any right, privilege, or benefit of employment from the requesting member county, including but not limited to compensation, wages, salary, leave, pensions, health benefits, or other advantages.

(b) If any state or county official, officer, or employee is engaged in carrying out this chapter in lieu of the official, officer, or employee's regular office or employment, the amount of the official, officer, or employee's compensation shall not be adversely affected, and the official, officer, or employee's rights in or under the laws relating to vacation and leave, the retirement system, civil service, or the like shall not be adversely affected.

(c) All persons, including volunteers whose services have been accepted by authorized persons, while engaged in the performance of duty pursuant to this chapter, including any duty performed during exercises and training, shall be deemed to be employees of the responding county and shall have the powers, duties, rights, and privileges of an employee of the responding county in the performance of their duties, except as may be prescribed by or under the authority of the mayor of the responding county pursuant to this chapter.

(d) In case of injury or death arising out of and in the performance of duty pursuant to this chapter, including any duty performed during periods of training, all persons having the status of official, officer, or employee of the responding county, pursuant to this section, and the official, officer, or employee's dependents, shall be entitled to all of the benefits provided in chapter 386, including medical services and supplies, and in case of injury or death, no public official shall be excluded from the coverage of chapter 386 by reason of being an elected official. For the purposes of the benefits, average weekly wages shall be computed upon the basis set forth in section 386-51, upon the basis of earnings from the usual employment of the person, or upon the basis of earnings at the rate of \$20 per week, whichever is most favorable to the claimant or claimants. The costs thereof shall be a charge upon the county insurance fund of the responding county; provided that the mayor of the responding county may effect the insurance in respect of the obligations assumed pursuant to this section and as may be available under any mutual aid agreement or act of the United States Congress. Nothing in this section shall adversely affect the right of any person to receive any benefits or compensation under any act of the United States Congress. Any benefits provided by a responding county to an emergency responder shall be included in the true and full value of assistance provided for purposes of reimbursement under section -8.

§ -8 Reimbursement for assistance provided. (a) A requesting member county shall reimburse a responding member county for the true and full value of all assistance provided under this chapter; provided that a responding member county may donate assistance provided under this chapter to a requesting member county.

(b) If a dispute regarding reimbursement arises between member counties, the member county asserting the dispute shall provide written notice to the other member county identifying the reimbursement issues in dispute. If the dispute is not resolved within ninety days after receipt of the dispute notice by the other party, either party to the dispute may invoke binding arbitration to resolve the reimbursement dispute by giving written notice to the other party. Within thirty days after receipt of the notice invoking binding arbitration, each party

shall furnish to the other party a list of acceptable arbitrators. The parties shall select an arbitrator. If the parties do not agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. Costs of the arbitration, including compensation for the arbitrator's services, shall be borne equally by the parties participating in the arbitration, and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

§ -9 Immunity of emergency responders. For purposes of tort liability or immunity, an emergency responder of a responding member county shall be considered an agent of the requesting member county. Except in cases of wilful misconduct, gross negligence, or recklessness, no emergency responder shall be civilly liable for the death of, or injury to, persons, or property damage, as a result of any act or omission in the course of providing or attempting to provide assistance under this chapter.

§ -10 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.”

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 96

S.B. NO. 3329

A Bill for an Act Relating to Public Participation in Government.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the enactment in 2002 of Hawaii's Citizen Participation in Government Act, codified as chapter 634F, Hawaii Revised Statutes, was intended to promote the rights of citizens to vigorously participate in government and to protect citizens from the chilling effect of retributive strategic lawsuits against public participation or “SLAPP” suits. To minimize the damage of SLAPP claims against citizens, Hawaii's anti-SLAPP law seeks to shift the burden of litigation back to the party bringing the SLAPP claim by providing for expedited judicial review, a stay on discovery, and sanctions.

The legislature further finds that despite the broad intentions of the legislature that the law “shall be construed liberally to fully effectuate its purposes and intent”, the anti-SLAPP law has not been effective at protecting citizen participation. The Public Participation Project has rated the law as a “C” compared to other state laws, and courts have often declined to apply its procedural protections due to its narrow and confusing provisions.

The legislature also finds that the Uniform Law Commission provides states with nonpartisan, well-conceived, and well-drafted legislation that brings clarity and stability to critical areas of state statutory law. In 2020, due to the rise in SLAPP suits nationally and the need to strengthen protection for citizen participation in government and increase consistency among states with anti-SLAPP laws, the Uniform Law Commission proposed the Uniform Public Expression Protection Act as a model act to assist states in modernizing their anti-SLAPP laws.

The legislature finds that to protect public participation at all levels of government, the State should adopt the provisions of the model act recommended by the Uniform Law Commission. By adopting the Uniform Act provisions, the State will have an anti-SLAPP law that is among the best in the nation, with procedural protections for all parties, and clearer instructions for the courts on how to fairly and expeditiously dispose of SLAPP claims to ensure citizens are protected from punitive SLAPP suits.

The purpose of this Act is to enact the Uniform Public Expression Protection Act.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII PUBLIC EXPRESSION PROTECTION ACT**

§ -1 **Short Title.** This chapter may be cited as the Hawaii Public Expression Protection Act.

§ -2 **Scope of chapter.** (a) Except as otherwise provided in subsection (b), this chapter shall apply to a cause of action asserted against a person based on the person’s:

- (1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;
 - (2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or
 - (3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or the Hawaii State Constitution, on a matter of public concern.
- (b) This chapter shall not apply to a cause of action asserted:
- (1) Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;
 - (2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or
 - (3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person’s sale or lease of the goods or services.

(c) As used in this section:

“Goods or services” does not include a dramatic, literary, musical, political, journalistic, or artistic work.

“Governmental unit” means a public corporation or government or governmental subdivision, agency, or instrumentality.

“Person” means an individual, estate, trust, partnership, business or non-profit entity, governmental unit, or other legal entity.

§ -3 **Required procedures; motions; stays.** (a) Notwithstanding any law to the contrary, including rules of the court, no later than sixty days after a party is served with a complaint, crossclaim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which this chapter applies, or at a later time on a showing of good cause, the party may file a special motion to dismiss the cause of action or part of the cause of action.

(b) Except as otherwise provided in this section:

- (1) All other proceedings between the moving party and responding party in an action, including discovery and a pending hearing or

motion, shall be stayed upon the filing of a motion under subsection (a); and

(2) On motion by the moving party, the court may stay:

(A) A hearing or motion involving another party if the ruling on the hearing or motion would adjudicate a legal or factual issue that is material to the motion under subsection (a); or

(B) Discovery by another party if the discovery relates to the issue.

(c) A stay under subsection (b) shall remain in effect until entry of an order ruling on the motion filed under subsection (a) and the expiration of the time to appeal the order.

(d) If a party appeals from an order ruling on a motion filed under subsection (a), all proceedings between all parties in an action shall be stayed. The stay shall remain in effect until the conclusion of the appeal.

(e) During a stay under subsection (b), the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy the burden imposed by section -6(a) and is not reasonably available without discovery.

(f) A motion for costs and expenses under section -9 shall not be subject to a stay under this section.

(g) A stay under this section shall not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(h) During a stay under this section, the court for good cause may hear and rule on a motion:

(1) Unrelated to the motion under subsection (a); and

(2) Seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

§ -4 Expedited hearings. (a) The court shall hear a motion under section -3(a) no later than sixty days after filing of the motion, unless the court orders a later hearing:

(1) To allow discovery under section -3(e); or

(2) For other good cause.

(b) If the court orders a later hearing under subsection (a)(1), the court shall hear the motion under section -3(a) no later than sixty days after the court order allowing the discovery, subject to subsection (a)(2).

§ -5 Evidence. In ruling on a motion under section -3(a), the court shall consider the parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under the applicable Hawaii rules of civil procedure.

§ -6 Dismissal of cause of action. (a) In ruling on a motion under section -3(a), the court shall dismiss with prejudice a cause of action or part of a cause of action if:

(1) The moving party establishes under section -2(a) that this chapter applies;

(2) The responding party fails to establish under section -2(b) that this chapter does not apply; and

(3) Either:

(A) The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(B) The moving party establishes that:

(i) The responding party failed to state a cause of action upon which relief can be granted; or

(ii) There is no genuine issue as to any material fact and the party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(b) A voluntary dismissal without prejudice of a responding party’s cause of action, or part of a cause of action, that is the subject of a motion under section -3(a) shall not affect a moving party’s right to obtain a ruling on the motion and seek costs, reasonable attorney’s fees, and reasonable litigation expenses under section -9.

(c) A voluntary dismissal with prejudice of a responding party’s cause of action, or part of a cause of action, that is the subject of a motion under section -3(a) shall establish for the purpose of section -9 that the moving party prevailed on the motion.

§ -7 **Court ruling.** The court shall rule on a motion under section -3(a) no later than sixty days after the hearing under section -4.

§ -8 **Appeal.** A moving party may appeal within thirty days as a matter of right from an order denying, in whole or in part, a motion under section -3(a).

§ -9 **Costs, attorney’s fees, and expenses.** On a motion under section -3(a) the court shall award costs, reasonable attorney’s fees, and reasonable litigation expenses related to the motion:

- (1) To the moving party if the moving party prevails on the motion; or
- (2) To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

§ -10 **Rule of construction.** This chapter shall be construed liberally to fully effectuate its purposes and intent to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution or Hawaii State Constitution.

§ -11 **Uniformity of application and construction.** In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.”

SECTION 3. Chapter 634F, Hawaii Revised Statutes, is repealed.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 97

H.B. NO. 956

A Bill for an Act Relating to Statewide Interoperable Public Safety Communications.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to formally establish the statewide interoperable communications executive committee and technical subcom-

mittee, and the position of statewide interoperable communications coordinator as a position exempt from section 76-16, Hawaii Revised Statutes.

SECTION 2. Chapter 128A, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS

§128A- Definitions. As used in this part, "interoperable communications" means the ability of first responder and emergency management agencies to communicate with one another via communication systems, including exchanging voice and data with one another on demand, in real time, when needed, and as authorized.

§128A- Statewide interoperable communications executive committee. There is established within the department of defense for administrative purposes the statewide interoperable communications executive committee.

§128A- Duties of the statewide interoperable communications executive committee. (a) The statewide interoperable communications executive committee shall obtain the advice and input of the statewide interoperable communications technical subcommittee, and then shall:

- (1) Develop plans and strategies to improve public safety communications interoperability among state; county; and, if possible, federal public safety agencies;
- (2) Develop plans and strategies to provide interoperable communications between and among public safety answering points in the State and public safety responder communications networks, infrastructure, and systems;
- (3) Develop plans and strategies to promote statewide public safety communications interoperability utilizing state and county radio communication systems and networks, the Nationwide Public Safety Broadband Network, or FirstNet;
- (4) Develop plans and strategies for the coordination of state; county; and, if possible, federal emergency alerts and warnings with public safety answering points and public safety responder communications networks, infrastructure, and systems;
- (5) Review and adopt plans and recommendations to improve or promote increased interoperability between public safety responders and other government or non-government stakeholders that support responses to emergencies; and
- (6) Submit a status report on the requirements of this subsection, including any obstacles and proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.

(b) The members of the statewide interoperable communications executive committee shall include the following:

- (1) The adjutant general or the adjutant general's designee, who shall serve as the chair of the committee;
- (2) The attorney general or the attorney general's designee;
- (3) The deputy director of the law enforcement division of the department of public safety or the deputy director's designee;
- (4) The chairperson of the board of land and natural resources or the chairperson's designee;
- (5) The state chief information officer or the chief information officer's designee;

- (6) The director of transportation or the director's designee;
- (7) The director of health or the director's designee;
- (8) The chairperson of the Hawaii enhanced 911 board or the chairperson's designee; and
- (9) Four members at the executive or senior personnel level from the first responder or emergency management agencies from each of the four counties, to be selected by the respective heads of the first responder or emergency management agencies of each county.

(c) Members of the statewide interoperable communications executive committee shall receive no compensation but shall be reimbursed for travel and other reasonable and necessary expenses incurred in carrying out the member's duties relating to the committee.

§128A- Statewide interoperable communications technical subcommittee. (a) There is established a statewide interoperable communications technical subcommittee to provide technical advice to the statewide interoperable communications executive committee.

(b) Membership of the statewide interoperable communications technical subcommittee shall be limited to representatives from any governmental agency having duties that include management, planning, and operation of public safety communications systems and networks, including government land mobile radio and broadband networks and those related to emergency communications centers and public safety answering points; provided that:

- (1) The statewide interoperable communications coordinator shall serve as the chairperson of the statewide interoperable communications technical subcommittee;
- (2) The respective lead radio communication engineer or manager for the State and each county, or each lead radio communication engineer or manager's respective designee, shall serve on the subcommittee as subject matter experts for their respective radio communication systems and networks; and
- (3) The respective lead information security manager for the State and each county, or each lead information security manager's respective designee, shall serve on the subcommittee as subject matter experts for matters relating to cyber security.

(c) The statewide interoperable communications technical subcommittee shall:

- (1) Not have a fixed membership, subject to the limitation established in subsection (b);
- (2) Not be subject to any quorum requirement; and
- (3) Be exempt from part I of chapter 92.

§128A- Statewide interoperable communications coordinator. (a) There is established within the office of homeland security the position of the statewide interoperable communications coordinator, which shall be a full-time equivalent position exempt from chapter 76.

- (b) The statewide interoperable communications coordinator shall:
- (1) Collaborate with state, county, and federal governments and emergency response groups in long-term strategic planning;
 - (2) Aid stakeholders in the development of projects, plans, policies, standards, priorities, and guidelines for interoperable communications;
 - (3) Meet regularly with all interoperability stakeholders and partners to ensure transparency and information sharing;
 - (4) Coordinate governing body activities to maximize integration and collaboration across the emergency communications landscape;

- (5) Coordinate ongoing assessment of the applicability of new technical developments in communications technologies for state and county public safety radio communication systems and networks;
- (6) Serve as a liaison between the statewide interoperable communications executive committee or statewide interoperable communications technical subcommittee, or both, and the federal government and private communications industry on issues concerning statewide interoperable communications;
- (7) Coordinate guidance, input, and recommendations from state, county, and federal agencies on the statewide communications interoperability plan and lead the development, implementation, and regular updating of the statewide communications interoperability plan;
- (8) Assist, as necessary or requested, with communications among responders during emergencies who are responding to planned and unplanned events;
- (9) Coordinate closely with the state single point of contact on issues related to the implementation of the Nationwide Public Safety Broadband Network in the State;
- (10) Coordinate interoperability activities with public safety answering points; operators of state, county and federal communications systems; and emergency management coordinators;
- (11) Manage communications unit program training and exercises provided by federal and state agencies, and work with public safety agencies to assist with any credentialing or recognition of the agencies' communications personnel; and
- (12) Serve as the state representative to the National Council of Statewide Interoperability Coordinators."

SECTION 3. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;

- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);
- (10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;
- (11) (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;
- (B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual/bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational/supportive services specialists, alternative school project coordinators, and communications aides in the department of education;
- (C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and
- (D) Members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;
- (12) Employees engaged in special, research, or demonstration projects approved by the governor;

- (13) (A) Positions filled by inmates, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs;
- (B) Positions filled with students in accordance with guidelines for established state employment programs; and
- (C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;
- (14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;
- (15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;
- (17) Positions specifically exempted from this part by any other law; provided that:
 - (A) Any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature; and
 - (B) All of the positions defined by paragraph (9) shall be included in the position classification plan;
- (18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects;
- (19) Household employees at the official residence of the president of the University of Hawaii;
- (20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;
- (21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained

- or operated by the authority shall be hired under the tenant hire program;
- (22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;
 - (23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;
 - (24) The sheriff;
 - (25) A gender and other fairness coordinator hired by the judiciary;
 - (26) Positions in the Hawaii National Guard youth and adult education programs;
 - (27) In the state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;
 - (28) Administrative appeals hearing officers in the department of human services;
 - (29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care services branch administrator, medical director, and clinical standards administrator;
 - (30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, and security and privacy compliance analyst;
 - (31) The Alzheimer's disease and related dementia services coordinator in the executive office on aging;
 - (32) In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel; provided that, for state warning point personnel, the director shall determine that recruitment through normal civil service recruitment procedures would result in delay or noncompliance;
 - ~~(33) The executive director and seven full-time administrative positions of the school facilities authority[-]; and~~
 - (34) In the office of homeland security of the department of defense, the statewide interoperable communications coordinator.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

SECTION 4. Chapter 128A, Hawaii Revised Statutes, is amended by designating sections 128A-1 to 128A-5 as part I, entitled "General Provisions".

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on January 1, 2023.

(Approved June 17, 2022.)

ACT 98

S.B. NO. 416

A Bill for an Act Relating to Witness Fees and Reimbursements in Criminal Cases.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 621-7, Hawaii Revised Statutes, is amended to read as follows:

“§621-7 Fees; criminal cases. (a) ~~[Every]~~ Except as provided in subsection (c), every witness legally required to attend a state court or grand jury in any criminal case, other than a public officer or employee, shall be entitled to \$20 for each day’s attendance and a reasonable mileage fee to be established pursuant to rules adopted by the judiciary for each mile actually and necessarily traveled on the ground each way, including travel to and from the nearest airport when required to travel from another island or from outside the State.

In addition to witness’ fees, every witness[;] who attends a state court from:

- (1) ~~[Who attends a state court from outside]~~ Outside the State shall be entitled to the actual round-trip cost of plane travel, plus ~~[\$200]~~ \$250 per twenty-four-hour day; or
- (2) ~~[Who attends a state court from any]~~ Any island in the State other than that on which the court holds session shall be entitled to the actual round-trip cost of plane travel, plus \$55 per twenty-four-hour day; provided that when the witness is required to stay overnight, the witness shall be entitled to an additional ~~[\$145]~~ \$195 per twenty-four-hour day.

~~[These]~~ Any per diem ~~[payments]~~ payment made pursuant to this subsection shall cover all personal expenses, ~~[such as]~~ including board and lodging, and shall be computed on the basis of ~~[quarter-day]~~ quarter-day periods of time.

(b) Any police officer or other public officer or employee (except the county attorney, prosecuting attorney, or deputy county attorney or deputy prosecuting attorney), who attends a state court as a witness from a district other than that in which the court is holding session, shall be allowed the police officer’s, public officer’s, or public employee’s travel cost and mileage fees as provided in this section. A public officer or employee, if not salaried, shall receive witness fees.

(c) Every expert witness legally required to attend a state court or grand jury in any criminal case, other than a public officer or employee, shall be entitled to reasonable applicable fees for the testimony, consultation, and preparation associated with the expert witness’ testimony and attendance in court.

In addition, every expert witness who attends a state court from:

- (1) Outside the State shall be entitled to the actual round-trip cost of plane travel, plus \$250 per twenty-four-hour day; or
- (2) Any island in the State other than that on which the court holds session shall be entitled to the actual round-trip cost of plane travel, plus \$55 per twenty-four-hour day; provided that when the expert witness is required to stay overnight, the expert witness shall be entitled to an additional \$195 per twenty-four-hour day.

Any per diem payment made pursuant to this subsection shall cover all personal expenses, including board and lodging, and shall be computed on the basis of quarter-day periods of time.

(d) As used in this section, “expert witness” includes any witness subpoenaed on behalf of the State in a criminal case, or on behalf of a defendant

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at the expense of the State in a criminal case, who is subpoenaed for the witness' specialized knowledge, skill, experience, training, or education to assist a grand jury, trial jury, or judge to understand the evidence or determine a fact at issue in the case."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 99

H.B. NO. 2120

A Bill for an Act Relating to Emergency Management.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 127A-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from natural or ~~man-made~~ human-caused hazards, and in order to ensure that the preparations of this State will be adequate to deal with such disasters or emergencies; to ensure the administration of state and federal programs providing disaster relief to individuals; and generally to protect the public health, safety, and welfare, and to preserve the lives ~~and~~, property [of the people], and environment of the State, it is hereby found and declared to be necessary:

- (1) To provide for emergency management by the State, and to authorize the creation of local organizations for emergency management in the counties of the State;
- (2) To confer upon the governor and upon the mayors of the counties of the State the emergency powers necessary to prepare for and respond to emergencies or disasters;
- (3) To provide for the rendering of mutual aid among the counties of the State and with other states and in cooperation with the federal government with respect to the carrying out of emergency management functions;
- (4) To permit out-of-state utilities to provide services in the State pursuant to a mutual assistance agreement with a state utility to repair, renovate, or install electrical or natural gas facilities that have been damaged, impaired, or destroyed due to or in connection with such disasters or emergencies; and
- (5) To provide programs, in cooperation with other governmental agencies, the private sector, and nonprofit organizations, to educate and train the public to be prepared for emergencies and disasters.”

SECTION 2. Section 127A-2, Hawaii Revised Statutes is amended as follows:

1. By amending the definition of “disaster” to read:

““Disaster” means any emergency, or imminent threat thereof, which results or may likely result in loss of life ~~or~~, property, or environment and requires, or may require, assistance from other counties ~~or~~, states [or from] the federal government[-], or from private agencies.”

2. By amending the definition of “emergency” to read:

““Emergency” means any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property~~[-]~~ or substantial damage to or loss of the environment.”

3. By amending the definition of “hazard” to read:

““Hazard” means an event or condition of the physical environment that results or may likely result in damage to property ~~[or]~~ injuries or death to individuals ~~[and which]~~, or damage to the environment that may result in an emergency or disaster.”

4. By amending the definition of “local state of emergency” to read:

““Local state of emergency” means the occurrence in any part of a county that requires efforts by the county government to save lives, and to protect property, environment, public health, welfare, or safety in the event of an emergency or disaster, or to reduce the threat of an emergency or disaster.”

5. By amending the definition of “state of emergency” to read:

““State of emergency” means an occurrence in any part of the State that requires efforts by state government to save lives and protect property, environment, public health, welfare, or safety in the event of an emergency or disaster, or to reduce the threat of an emergency or disaster, or to supplement the local efforts of the county.”

SECTION 3. Section 127A-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The agency shall perform emergency management functions within the territorial limits of the State. In performing its duties, the agency shall:

- (1) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans of the federal government. The plan shall be integrated by a continuous, integrated comprehensive emergency management program. The plan shall contain provisions to ensure that the State is prepared for emergencies and minor, major, and catastrophic disasters. In preparing and maintaining the plan, the agency shall work closely with agencies and organizations with emergency management responsibilities;
- (2) Assign lead and support responsibilities to state agencies and personnel for emergency management functions, and other support activities;
- (3) Adopt standards and requirements for county emergency management plans. The standards and requirements shall ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan;
- (4) Make recommendations to the legislature, building code organizations, and counties for zoning, building, and other land use controls; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;
- (5) Anticipate trends and promote innovations that will enhance the emergency management system;
- (6) Institute statewide public awareness programs. This shall include intensive public educational campaigns on emergency preparedness issues, including but not limited to the personal responsibility of individual citizens to be self-sufficient for up to fourteen days following a natural or human-caused disaster;

- (7) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (8) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures;
- (9) Adopt standards and requirements for state agency emergency operating procedures and periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program; and
- (10) Coordinate, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters.”

SECTION 4. Section 127A-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The governor may exercise the following powers pertaining to emergency management:

- (1) Support requests from a mayor for assistance in preparing for, mitigating against, responding to, and recovering from any emergency or disaster or threat thereof;
- (2) Lease, lend, or otherwise furnish, on such terms and conditions as the governor may consider necessary to promote the public welfare and protect the interest of the State, any real or personal property of the state government, to the President of the United States, the armed forces, or to the emergency management agency of the United States;
- (3) Enter into, participate in, or carry out mutual aid agreements or compacts for emergency management or emergency management functions with the federal government and with other states;
- (4) Sponsor and develop mutual aid plans and agreements for emergency management between the State, one or more counties, and other governmental, private-sector, and nonprofit organizations, for the furnishing or exchange of food, clothing, medicine, and other materials; engineering services; emergency housing; police services; health, medical, and related services; firefighting, rescue, transportation, and construction services and facilities; personnel necessary to provide or conduct these services; and such other materials, facilities, personnel, and services as may be needed. The mutual aid plans and agreements may be made with or without provisions for reimbursement of costs and expenses, and on such terms and conditions as are deemed necessary;
- (5) Take possession of, use, manage, control, and reallocate any public property of the State, real or personal, required by the governor for the purposes of this chapter, including airports, parks, playgrounds,

and schools, and other public buildings. Whenever the property is so taken, the governor may make such provision for the temporary accommodation of the government service affected thereby as the governor may deem advisable;

- (6) Utilize all services, materials, and facilities of nongovernmental agencies, relief organizations, community associations, and other private-sector and nonprofit organizations that may be made available;
- (7) Receive, expend, or use contributions or grants, which shall be deemed to be trust funds, in money, property, or services, or loans of property, or special contributions or grants in money, property, or services, or loans of property, for special purposes provided for by this chapter; establish funds in the state treasury for the deposit and expenditure of the moneys; procure federal aid as the same may be available; and apply the provisions of chapter 29 in cases of federal aid, even though not in the form of money. The contributions or grants are appropriated for the purposes of this chapter, or for the special purposes;
- (8) Purchase, make, produce, construct, rent, lease, or procure by condemnation or otherwise, transport, store, install, maintain, and insure, repair, renovate, restore, replace or reconstruct, and distribute, furnish or otherwise dispose of, with or without charges, materials and facilities for emergency management; and to procure federal aid therefor whenever feasible. Chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4 shall not apply to any emergency management functions of the governor to the extent that the governor finds that the provisions, in whole or in part, impede or tend to impede the expeditious discharge of those functions, or that compliance therewith is impracticable due to existing conditions;
- (9) Provide for the appointment, employment, training, equipping, and maintaining with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, of such agencies, officers, and other persons as the governor deems necessary to carry out the purposes of this chapter; to determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to provisions of this chapter, to provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State;
- (10) Make charges in such cases and in amounts as the governor deems advisable, for any property sold, work performed, services rendered, or accommodations or facilities furnished by the State under this chapter;
- (11) Make or authorize contracts as may be necessary to carry out this chapter;
- (12) Establish special accounting forms and practices whenever necessary;
- (13) Require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the governor, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof; and provide for the protection and safeguarding of all critical infrastructure and key resources; provided that without prejudice to the generality of the foregoing two clauses, the protecting and safeguarding may include

- the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as the governor may prescribe;
- (14) Restrict the congregation of the public in stricken or dangerous areas or under dangerous conditions;
 - (15) Direct and control the non-compulsory evacuation of the civilian population;
 - (16) Order and direct government agencies, officials, officers, and employees of the State, to take action and employ measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers. All agencies and officers shall cooperate with and extend their services, materials, and facilities to the governor as the governor may request;
 - (17) Provide for the repair and maintenance of public property, whenever adequate provision therefor is not otherwise made; insure the property against any emergency or disaster; provide for the restoration, renovation, replacement, or reconstruction of insured property in the event of damage or loss; and make temporary restoration of public utilities and other critical infrastructure facilities in the event of an emergency or disaster;
 - (18) Fix or revise the hours of government business; and
 - (19) Take any and all steps necessary or appropriate to carry out the purposes of this chapter notwithstanding that those powers in section 127A-13(a) may only be exercised during an emergency period.”

SECTION 5. Section 127A-16, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Any unspent funding under \$2,500,000 shall be rolled over to the next fiscal year to support current and future emergencies and disasters.”

SECTION 6. Section 127A-19, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) The ~~governor~~ agency may establish guidelines for providing suitable arrangements and accommodations for the sheltering of the public and the sheltering of pet animals in public shelters under this chapter.

(b) County emergency management agencies shall [identify, in coordination] be responsible for identifying and operating locations and facilities suitable for sheltering:

- (1) The public; and
- (2) Pet animals,

and coordinating sheltering efforts with private and nonprofit organizations engaged in emergency management functions relating to providing shelter or the management or operation of a public shelter under this chapter~~], locations and facilities suitable for the sheltering of the public and locations and facilities suitable for the sheltering of pet animals].~~

(c) The administrator or director of the county emergency management agency ~~[may identify, in]~~ shall be responsible for the identification, coordination [with], and cooperation of private owners, operators, or controllers of real property, private locations ~~[and], or~~ facilities that are suitable for use as shelters of the public or of pet animals[-] into emergency sheltering operations.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 100

S.B. NO. 1112

A Bill for an Act Relating to the Department of Defense.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 121-7, Hawaii Revised Statutes, is amended to read as follows:

“§121-7 Adjutant General; appointment. (a) The adjutant general shall be the executive head of the department of defense and commanding general of the militia of the State. The adjutant general shall be appointed and be subject to removal as set forth in section 26-31. The adjutant general shall serve for the term as set forth in [~~section 6;~~] article V, section 6, of the Hawaii State Constitution.

(b) No person shall be eligible for appointment as adjutant general unless the person [~~holds~~];

- (1) Holds or has held a commission of [at least a field grade officer,] the rank of colonel in the military grade of O6 or above, federally recognized as such, or its equivalent in the Army or Air national guard, state defense force, [or other branch of the armed forces of this or any other state or territory of the United States,] or in the [armed forces] Army or Air Force active component of the United States or a reserve component thereof and has served as a commissioned officer in one or more of the [armed services] Army or Air Force components as listed herein for at least ten years[-]; and
- (2) Has no administrative actions or items that would prevent promotion to the rank of a general officer in the military grade of O7 or O8, federally recognized as such.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 101

S.B. NO. 3087

A Bill for an Act Relating to the Emergency Management Assistance Compact.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

§ -1 Name. This chapter may be cited as the Emergency Management Assistance Compact.

§ -2 Terms and provisions of compact. The legislature hereby authorizes the governor to enter into a compact on behalf of the State of Hawaii with any other state legally joining therein, in the form substantially as follows:

EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Article I. Purpose and Authorities

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, the term “states” is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, manmade disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states’ national guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Article II. General Implementation

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies that require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

Article III. Party State Responsibilities

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

- (1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack;
 - (2) Review party states' individual emergency plans and develop a plan that will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;
 - (3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;
 - (4) Assist in warning communities adjacent to or crossing the state boundaries;
 - (5) Protect and assure uninterrupted delivery of services; medicines; water; food; energy and fuel; search and rescue; and critical lifeline equipment, services, and resources, both human and material;
 - (6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and
 - (7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the responsibilities enumerated above.
- (b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:
- (1) A description of the emergency service function for which assistance is needed, including but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;
 - (2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed; and
 - (3) The specific place and time for staging of the assisting party's response and a point of contact at that location.
- (c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article IV. Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized

by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving states, whichever is longer.

Article V. Licenses and Permits

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

Article VI. Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

Article VII. Supplementary Agreements

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing contained in this compact shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

Article VIII. Compensation

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

Article IX. Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with the requests; provided that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan equipment or donate services to the receiving party state without charge or cost; provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

Article X. Evacuation

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of the evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. The plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for the evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. The expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of the evacuees.

Article XI. Implementation

(a) This compact shall become operative immediately upon its enactment into law by any two states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no withdrawal shall take effect until thirty days after the governor of the withdrawing state has given notice in writing of withdrawal to the governors of all other party states. This action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States government.

Article XII. Validity

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the con-

stitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Article XIII. Additional Provisions

Nothing in this compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the President of the United States is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of Title 18, United States Code.”

SECTION 2. Section 121-30, Hawaii Revised Statutes, is amended to read as follows:

“§121-30 **Order to active service.** In case of war, insurrection, invasion, riot, or imminent danger thereof; an emergency or disaster; or danger from flood, fire, storm, earthquake, civil disturbances, or terrorist events; any forcible obstruction to the execution of the laws, or reasonable apprehension thereof; or for assistance to civil authorities in disaster relief or emergency management, the governor may order the national guard or other component of the militia or any part thereof into active service. The governor, or the governor’s designated representative, may also order the national guard into active service:

- (1) In nonemergency situations for duty and training in addition to the drill and instruction required by section 121-28;
- (2) To provide support to other states in response to a request for assistance under the Emergency Management Assistance Compact under chapter [128F;]____; and
- (3) To detect, prevent, prepare for, investigate, respond to, or recover from any of the events for which an order to active service may be made.”

SECTION 3. Chapter 128F, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 102

S.B. NO. 3126

A Bill for an Act Relating to the Boiler and Elevator Safety Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 397-3, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Exclusive employment” means a qualified boiler inspector who is employed on a full-time or part-time basis to provide inspection services within the scope of their National Board commission exclusively for only one authorized inspection agency or owner-user inspection organization.

““Owner-user inspection organization” means an owner or user of pressure retaining items, whose organization and inspection procedures meet the requirements of the National Board, and is approved by the director.”

SECTION 2. Section 397-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Administration.

- (1) The department shall establish a boiler and elevator inspection branch for the enforcement of the rules adopted under this chapter and other duties as assigned;
- (2) The department shall:
 - (A) Implement and enforce the requirements of this chapter; and
 - (B) Keep adequate and complete records of the type, size, location, identification data, and inspection findings for pressure retaining items, amusement rides, and elevators and kindred equipment required to be inspected pursuant to this chapter;
- (3) The department shall formulate definitions and adopt and enforce standards and rules pursuant to chapter 91 that may be necessary for carrying out this chapter;
- (4) Emergency temporary standards may be adopted without conforming to chapter 91 and without hearings to take immediate effect upon giving public notice of the emergency temporary standards or upon another date that may be specified in the notice. An emergency temporary standard may be adopted~~[-if];~~ provided that the director determines:
 - (A) That the public or individuals are exposed to grave danger from exposure to hazardous conditions or circumstances; and
 - (B) That the emergency temporary standard is necessary to protect the public or individuals from danger.

Emergency temporary standards shall be effective until superseded by a standard adopted under chapter 91, but shall not be effective longer than six months;

- (5) Variances from standards adopted under this chapter may be granted upon application of an owner, user, contractor, or vendor. Application for variances shall correspond to procedures set forth in the rules adopted pursuant to this chapter. The director may issue an order for variance, if the director determines that the proponent of the variance has demonstrated that the conditions, practices, means, methods, operations, or processes used or proposed to be used will provide substantially equivalent safety as that provided by the standards;
- (6) Permits.
 - (A) The department shall issue a permit to operate regarding any pressure retaining item, amusement ride, or elevator and kindred equipment if found to be safe in accordance with rules adopted pursuant to chapter 91 and all required fees have been paid;
 - (B) The department may issue an order immediately revoking or suspending any permit to operate, or an order prohibiting the use or operation of a pressure retaining item, amusement ride, or elevator and kindred equipment when:
 - (i) The department finds the pressure retaining item, amusement ride, or elevator and kindred equipment to be in an unsafe condition;
 - (ii) A user, owner, or contractor ignores a prior department order to correct a condition, defect, or hazard relating to the pressure retaining item, amusement ride, or elevator and kindred equipment, and continues to use or operate

- the pressure retaining item, amusement ride, or elevator and kindred equipment without abating the condition, defect, or hazard identified in the order; or
- (iii) A user, owner, or contractor fails to pay any fee or fine required under this chapter or any rule adopted under this chapter.

The order may be rescinded when the department has determined that the owner, user, or contractor has complied with the order to correct the condition, defect, or hazard identified in the order or has paid all fees or fines imposed by the department;

- (C) The department may reissue a permit to operate to any user, owner, or contractor who demonstrates that the user, owner, or contractor is proceeding in good faith to abate all nonconforming conditions mentioned in department orders and the pressure retaining items, amusement rides, and elevators and kindred equipment are safe to operate; and
- (D) The department shall establish criteria for the periodic reinspection and renewal of the permits to operate, and may provide for the issuance of temporary permits to operate while any noncomplying pressure retaining item, amusement ride, and elevator and kindred equipment are being brought into full compliance with the applicable standards and rules adopted pursuant to this chapter; provided that the period between an initial safety inspection or the inspection used as a basis for the issuance of a permit to operate, and any subsequent inspection of elevators and kindred equipment shall not exceed one year;
- (7) No person shall operate a pressure retaining item, amusement ride, or elevator and kindred equipment that is required to be inspected by this chapter or by any rule adopted pursuant to this chapter, except as necessary to install, repair, or test, unless a permit to operate has been authorized or issued by the department and remains valid; ~~and~~
- (8) The department, upon the application of any owner, user, or other person affected thereby, may grant time that may reasonably be necessary for compliance with any order. Any person affected by an order may for cause petition the department for an extension of time[-]; and
- (9) The director shall appoint a chief boiler and pressure vessel inspector, who shall be a department employee who represents the State as a voting member of the National Board and serves as an American Society of Mechanical Engineers Conference Committee member.”

SECTION 3. Section 397-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All safety inspections required under this chapter of pressure retaining items shall be performed by deputy boiler inspectors in the employ of the department who are qualified boiler inspectors ~~[and, when authorized by]; provided that~~ the director[-] may authorize the safety inspections to be performed by ~~[special];~~

- (1) Special inspectors, who are qualified boiler inspectors in the ~~employ~~ exclusive employment of insurance companies insuring pressure retaining items in this State[-]; or

- (2) Owner-user inspectors, who are qualified boiler inspectors in the exclusive employment of an owner-user inspection organization.”

SECTION 4. Section 397-13, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) No later than [~~ten~~] thirteen years from the date of the establishment of the revolving fund, the director shall reimburse the general fund for the amount of any initial appropriation that was made by the general revenues of the State to the revolving fund.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 103

H.B. NO. 2169

A Bill for an Act Relating to the Comprehensive Offender Reentry System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 353H-32, Hawaii Revised Statutes, is amended to read as follows:

“**§353H-32 Offender reentry; identification documents.** (a) The department, in collaboration with the department of transportation and the examiner of drivers of each county, shall inform inmates that departmental assistance is available to obtain civil identification cards, in accordance with part XVI of chapter 286, and upon request shall [~~issue civil identification cards to~~] assist inmates who have one year or less prior to the inmate’s parole or release date remaining on their prison sentence[~~;~~] in obtaining a civil identification card.

(b) The department, in collaboration with appropriate federal, state, and county agencies, shall also inform inmates of the availability of departmental assistance to obtain the inmate’s birth certificate, social security card, and any other relevant identification documents necessary for the inmate to transition into the workforce, access social services, secure or verify applicable medicaid eligibility, and secure housing, and upon request shall assist the inmates who have one year or less prior to the inmate’s parole or release date.

(c) For an inmate released to work furlough, extended furlough, or community placement programs, the department of public safety shall initiate the process of assisting the inmate pursuant to subsections (a) and (b) at least ninety days prior to the inmate being released[~~;~~] by providing the forms necessary for the inmate to obtain civil identification cards to the inmate.

(d) Any form the department provides pursuant to this section shall be in the inmate’s primary language.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 104

S.B. NO. 2923

A Bill for an Act Relating to Fireworks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the use of aerial fireworks during celebrations continues to cause significant disruption and concern and that a stronger deterrent is needed to curtail the use of illegal fireworks. According to the Report of the Illegal Fireworks Task Force to the legislature for the regular session of 2011, increasing fines associated with illegal fireworks may act as a stronger deterrent.

The purpose of this Act is to increase the generally applicable statutory fine and the fine for homeowner liability under the Fireworks Control Law from \$2,000 to \$5,000.

SECTION 2. Section 132D-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Except as provided in subsection (a) or as otherwise specifically provided for in this chapter, any person violating any other provision of this chapter, shall be fined ~~not~~ no more than ~~[\$2,000]~~ \$5,000 for each violation. Notwithstanding any provision to the contrary in this section, any person violating section 132D-14.5 shall be fined at least \$500 and no more than ~~[\$2,000.]~~ \$5,000.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 17, 2022.)

ACT 105

S.B. NO. 3140

A Bill for an Act Relating to the Uniform Controlled Substances Act Mandatory Reporting.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 329, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“**§329- Mandatory reporting.** (a) Notwithstanding any other law concerning confidentiality to the contrary, the holder of a registration issued under section 329-32 who, in the holder’s professional or official capacity, has reason to believe that a controlled substance in the holder’s inventory has been stolen, embezzled, or otherwise obtained by fraud or diversion, shall immediately report the matter verbally to the administrator.

(b) The holder of a registration shall submit a written report to the administrator as soon as practicable following the verbal report. The written report shall contain:

- (1) The name and address of the suspected perpetrator, if known;
- (2) The nature and extent of the theft, embezzlement, fraud, or diversion; and
- (3) Any other information that the reporter believes might be helpful or relevant to the investigation of the theft, embezzlement, fraud, or diversion.

(c) Any person subject to subsection (a), upon demand of the administrator, shall provide all information related to the alleged incident of theft, embezzlement, fraud, or diversion, including but not limited to records, reports, and any image, film, video, or other electronic medium, that was not included in the written report submitted pursuant to subsection (b).

(d) This section shall not be construed to provide a basis for a cause of action against the administrator or department.

(e) Any person subject to this section who knowingly prevents another person from reporting, or who knowingly fails to provide information as required by this section, shall be guilty of a misdemeanor.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 106

S.B. NO. 3141

A Bill for an Act Relating to the Uniform Controlled Substances Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 329-14, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (4) Acryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide] (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide);
- ~~(3)~~ (6) Allylprodine;
- ~~(4)~~ (7) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
- ~~(5)~~ (8) Alphameprodine;

- [6] (9) Alphamethadol;
- [7] (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);
- [8] (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide);
- [9] (12) Benzethidine;
- [13] (13) Benzylfentanyl (N-[1-benzyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- [10] (14) Betacetylmethadol;
- [11] (15) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- [12] (16) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- (17) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide);
- [13] (18) Betameprodine;
- [14] (19) Betamethadol;
- (20) Beta-methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide) (Other name: [beta]-methyl fentanyl);
- (21) Beta²-phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide) (Other names: [beta]²-phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- [15] (22) Betaprodine;
- (23) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
- [16] (24) Clonitazene;
- (25) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- [17] (26) Dextromoramide;
- [18] (27) Diampromide;
- [19] (28) Diethylthiambutene;
- [20] (29) Difenoxin;
- [21] (30) Dimenoxadol;
- [22] (31) Dimepheptanol;
- [23] (32) Dimethylthiambutene;
- [24] (33) Dioxaphetyl butyrate;
- [25] (34) Dipipanone;
- [26] (35) Ethylmethylthiambutene;
- [27] (36) Etonitazene;
- [28] (37) Etoxidine;
- (38) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- (39) 4-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (Other name: para-fluoroisobutyryl fentanyl);
- (40) 2'-fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide) (Other name: 2'-fluoro 2-fluorofentanyl);
- (41) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
- [29] (42) Furethidine;
- [30] (43) Hydroxypethidine;
- [31] (44) Ketobemidone;

- [(32)] (45) Levomoramide;
- [(33)] (46) Levophenacylmorphan;
- (47) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (48) 4'-methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
- [(34)] (49) [3-Methylfentanyl] 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- [(35)] (50) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- [(36)] (51) Morpheridine;
- [(37)] (52) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- [(38)] (53) Noracymethadol;
- [(39)] (54) Norlevorphanol;
- [(40)] (55) Normethadone;
- [(41)] (56) Norpipanone;
- (57) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide];
- (58) Ortho-fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);
- (59) Ortho-fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) (Other name: 2-fluorobutyryl fentanyl);
- (60) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (61) Ortho-fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- (62) Ortho-methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl acetylfentanyl);
- (63) Ortho-methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl methoxyacetyl fentanyl);
- (64) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- [(42)] (65) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;
- (66) Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (67) Para-methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 4-methylfentanyl);
- [(43)] (68) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine[;]);
- [(44)] (69) Phenadoxone;
- [(45)] (70) Phenampromide;
- [(46)] (71) Phenomorphan;
- [(47)] (72) Phenoperidine;
- (73) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide) (Other name: benzoyl fentanyl);
- [(48)] (74) Piritramide;
- [(49)] (75) Proheptazine;
- [(50)] (76) Properidine;
- [(51)] (77) Propiram;
- [(52)] (78) Racemoramide;

- (79) Thenylfentanyl (N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- [(53)] (80) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);
- (81) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide) (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- [(54)] (82) Tilidine;
- [(55)] (83) Trimeperidine; and
- [(56)] N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers;
- (57) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers;
- (58) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, (acetyl-fentanyl), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (59) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- (60) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: Butyryl fentanyl);
- (61) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts¹ and salts of isomers, esters, and ethers (Other names: beta-hydroxythiofentanyl);
- (62) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: Furanyl fentanyl);
- (63)] (84) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide[, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: U-47700);
- (64) 4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide];
- (65) Acryl fentanyl or acryloylfentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide];
- (66) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide];
- (67) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide;
- (68) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (69) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl); and
- (70) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)].”

2. By amending subsections (f) and (g) to read:

“(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation [whieh] that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) Aminorex;

- (2) Cathinone;
 (3) 4,4'-dimethylaminorex (common name: 4,4'-DMAR);
 [(3)] (4) Fenethylamine;
 [(4)] (5) Methcathinone;
 [(5)] ~~N-ethylamphetamine;~~
 (6) 4-methylaminorex;
 (7) N-ethylamphetamine;
 [(7)] (8) N,N-dimethylamphetamine; [~~and~~]
 [(8)] (9) Substituted cathinones, any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 (B) By substitution at the 3-position with an acyclic alkyl substituent; or
 (C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some other trade names: Mephedrone (2-methylamino-1-p-tolylpropan-1-one), also known as 4-methylmethcathinone (4-MMC), methylephedrone or MMCAT; Methylenedioxypropylamphetamine (MDPV, MDPK); methylone or 3,4-methylenedioxymethcathinone; and 1-(benzo[d][1,3]dioxol-5-yl)-2-(ethylamino)propan-1-one, monohydrochloride, also known as Ethylone, bk-MDEA hydrochloride, MDEC; 3,4-Methylenedioxy-N-ethylcathinone; bk-Methylenedioxyethylamphetamine, 4-methyl-N-ethylcathinone (4-MEC); 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone ([alpha]-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB e); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP); 4-fluoro-N-methylcathinone (4-FMC, flephedrone); 3-fluoro-N-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); alpha-pyrrolidinobutiophenone ([alpha]-PBP) and their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible[-]; and

- (10) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (Other names: para-methoxymethamphetamine; PMMA).
 (g) Any of the following cannabinoids, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
 (1) Tetrahydrocannabinols; meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. or synthetic substances, derivatives, and their isomers with similar chemical

- structure and pharmacological activity to those substances contained in the plant, such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and Delta 3,4 cis or trans-tetrahydrocannabinol, and its optical isomers (since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are covered);
- (2) Naphthoylindoles; meaning any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;
 - (3) Naphthylmethylindoles; meaning any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;
 - (4) Naphthoylpyrroles; meaning any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;
 - (5) Naphthylmethylindenes; meaning any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;
 - (6) Phenylacetylindoles; meaning any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent;
 - (7) Cyclohexylphenols; meaning any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with substitution at the 5-position of the phenolic ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group whether or not substituted in the cyclohexyl ring to any extent;
 - (8) Benzoylindoles; meaning any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl, or 2-(4-morpholinyl) ethyl group whether or not further substituted in

- the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;
- (9) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo[1,2,3-de]-1, 4-benzoxazin-6-yl]-1-naphthalenylmethanone (another trade name is WIN 55,212-2);
 - (10) (6a,10a)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Other trade names are: HU-210/HU-211);
 - (11) Tetramethylcyclopropanoylindoles; meaning any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent;
 - (12) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: APINACA, AKB48);
 - (13) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PB-22; QUPIC);
 - (14) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 5-fluoro-PB-22; 5F-PB-22);
 - (15) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: AB-FUBINACA);
 - (16) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: ADB-PINACA);
 - (17) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: AB-CHMINACA);
 - (18) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, and geometric isomers, salts, and salts of isomers (Other names: AB-PINACA);
 - (19) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone, and geometric isomers, salts, and salts of isomers (Other names: THJ-2201);
 - (20) Methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate, and geometric isomers, salts, and salts of isomers (Other names: FUB-AMB, Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, MMB-FUBINACA, AMB-FUBINACA);
 - (21) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, and geometric isomers, salts, and salts of isomers (Other names: 5-fluoro-AMB, 5-fluoro-AMP);
 - (22) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, and geometric isomers, salts, and salts of isomers

- (Other names: AKB48 N-(5-fluoropentyl) analog, 5F-AKB48, APINACA 5-fluoropentyl analog, 5F-APINACA);
- (23) N-adamantyl-1-fluoropentylindole-3-Carboxamide, and geometric isomers, salts, and salts of isomers (Other names: STS-135, 5F-APICA; 5-fluoro-APICA);
- (24) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, and geometric isomers, salts, and salts of isomers (Other names: NM2201); CBL2201);
- (25) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, and geometric isomers, salts, and salts of isomers (Other names: MAB-CHMINACA and ADB-CHMINACA);
- (26) Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (Other names: 5F-ADB, 5-fluoro-ADB, and 5F-MDMB-PINACA), its optical, positional, and geometric isomers, salts, and salts of isomers; [and]
- (27) [1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)indazole-3-carboxamide (CUMYL-4CN-BINACA); 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers[; also known as] (Other names: SGT-78[; 4-CN-CUMYL-BINACA]; 4-CN-CUMYL BINACA; 4-CN-CUMYL-BUTINACA; CUMYL-CB-PINACA; CUMYL-CYBINACA; [4-cyano-CUMYL-BUTINACA.] 4-cyano-CUMYL-BUTINACA; CUMYL-4CN-BINACA);
- (28) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other name: 5F-AB-PINACA);
- (29) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA);
- (30) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide (Other names: 5F-CUMYL-P7AICA); and
- (31) Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate (MDMB-4en-PINACA)."

SECTION 2. Section 329-16, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk Dextropropoxyphene (nondosage form);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;
- (11) Levo-alphaacetylmethadol (LAAM);
- (12) Levomethorphan;
- (13) Levorphanol;

- (14) Metazocine;
- (15) Methadone;
- (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
- (18) Oliceridine, including the free base form, and its salts, to include the fumarate salt, by definition;
- [(18)] (19) Pethidine (Meperidine);
- [(19)] (20) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- [(20)] (21) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- [(21)] (22) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- [(22)] (23) Phenazocine;
- [(23)] (24) Piminodine;
- [(24)] (25) Racemethorphan;
- [(25)] (26) Racemorphan;
- [(26)] (27) Remifentanil;
- [(27)] (28) Sufentanil;
- [(28)] (29) Tapentadol; and
- [(29)] (30) Thiafentanil.”

SECTION 3. Section 329-20, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Depressants. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, esters, ethers, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, that has a degree of danger or probable danger associated with a depressant effect on the central nervous system:

- (1) Alprazolam;
- (2) Barbital;
- (3) Brexanolone;
- [(3)] (4) Bromazepam;
- [(4)] (5) Butorphanol;
- [(5)] (6) Camazepam;
- [(6)] (7) Carisoprodol;
- [(7)] (8) Chloral betaine;
- [(8)] (9) Chloral hydrate;
- [(9)] (10) Chlordiazepoxide;
- [(10)] (11) Clobazam;
- [(11)] (12) Clonazepam;
- [(12)] (13) Clorazepate;
- [(13)] (14) Clotiazepam;
- [(14)] (15) Cloxazolam;
- [(15)] (16) Delorazepam;
- [(16)] Dichloralphenazone (Midrin);
- (17) Diazepam;
- (18) Dichloralphenazone (Midrin);
- [(18)] (19) Estazolam;
- [(19)] (20) Ethchlorvynol;

- [~~(20)~~] (21) Ethinamate;
- [~~(21)~~] (22) Ethyl loflazepate;
- [~~(22)~~] (23) Fludiazepam;
- [~~(23)~~] (24) Flunitrazepam;
- [~~(24)~~] (25) Flurazepam;
- [~~(25)~~] (26) Fospropofol (Lusedra);
- [~~(26)~~] (27) Halazepam;
- [~~(27)~~] (28) Haloxazolam;
- [~~(28)~~] (29) Ketazolam;
- (30) Lemborexant ((1R,2S)-2-[(2,4-dimethylpyrimidin-5-yl)oxymethyl]-2-(3-fluorophenyl)-N-(5-fluoropyridin-2-yl)cyclopropane-1-carboxamide);
- [~~(29)~~] (31) Loprazolam;
- [~~(30)~~] (32) Lorazepam;
- [~~(31)~~] (33) Lormetazepam;
- [~~(32)~~] (34) Mebutamate;
- [~~(33)~~] (35) Medazepam;
- [~~(34)~~] (36) Meprobamate;
- [~~(35)~~] (37) Methohexital;
- [~~(36)~~] (38) Methylphenobarbital (mephobarbital);
- [~~(37)~~] (39) Midazolam;
- [~~(38)~~] (40) Nimetazepam;
- [~~(39)~~] (41) Nitrazepam;
- [~~(40)~~] (42) Nordiazepam;
- [~~(41)~~] (43) Oxazepam;
- [~~(42)~~] (44) Oxazolam;
- [~~(43)~~] (45) Paraldehyde;
- [~~(44)~~] (46) Petrichloral;
- [~~(45)~~] (47) Phenobarbital;
- [~~(46)~~] (48) Pinazepam;
- [~~(47)~~] (49) Prazepam;
- [~~(48)~~] (50) Quazepam;
- (51) Remimazolam;
- [~~(49)~~] (52) Suvorexant;
- [~~(50)~~] (53) Temazepam;
- [~~(51)~~] (54) Tetrazepam;
- [~~(52)~~] (55) Triazolam;
- [~~(53)~~] (56) Zaleplon;
- [~~(54)~~] (57) Zolpidem; and
- [~~(55)~~] (58) Zopiclone (Lunesta); ~~and~~
- (56) Brexanolone.”

2. By amending subsection (d) to read:

“(d) Stimulants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Lorcaserin;
- [~~(5)~~] (6) Mazindol;
- [~~(6)~~] (7) Mefenorex;

- ~~[(7)]~~ (8) Modafinil;
- ~~[(8)]~~ Phentermine;
- (9) Pemoline (including organometallic complexes and chelates thereof);
- ~~(10)~~ Phentermine;
- ~~[(10)]~~ (11) Pipradrol;
- ~~(12)~~ Serdexmethylphenidate;
- ~~[(11)]~~ (13) Sibutramine;
- ~~(14)~~ Solriamfetol; and
- ~~[(12)]~~ (15) SPA (1-dimethylamino-1,2-diphenylethane, lefetamine);
- ~~[(13)]~~ Lorexaserin; and
- ~~(14)~~ Solriamfetol].”

SECTION 4. Section 329-22, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names: BRV; UCB-34714; Briviact) and its salts;
- ~~[(4)]~~ (2) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxypropionamide], (Vimpat);
- (3) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide); and
- ~~[(2)]~~ (4) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]; and
- (3) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (Other names: BRV; UCB-34714; Briviact) and its salts].”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

- 1. Prior to amendment “,” appeared here.

ACT 107

H.B. NO. 1891

A Bill for an Act Relating to the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN
DOMESTIC-VIOLENCE PROTECTION ORDERS ACT**

§ -1 **Short title.** This chapter may be cited as the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Canadian domestic-violence protection order” means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction that relates to domestic violence and prohibits a respondent from:

- (1) Being in physical proximity to a protected individual or following a protected individual;
- (2) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;
- (3) Being within a certain distance of a specified place or location associated with a protected individual; or
- (4) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

“Domestic protection order” means an injunction or other order issued by a tribunal that relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.

“Issuing court” means the court that issues a Canadian domestic-violence protection order.

“Law enforcement officer” means an individual authorized by law of this State other than this chapter to enforce a domestic protection order.

“Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

“Protected individual” means an individual protected by a Canadian domestic-violence protection order.

“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

“Respondent” means an individual against whom a Canadian domestic-violence protection order is issued.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. “State” includes a federally recognized Indian tribe.

“Tribunal” means a court, agency, or other entity authorized by law of this State other than this chapter to establish, enforce, or modify a domestic protection order.

§ -3 **Enforcement of Canadian domestic-violence protection order by law enforcement officer.** (a) If a law enforcement officer determines under subsection (b) or (c) that there is probable cause to believe a valid Canadian domestic-violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic-violence protection order as if the terms were in an order of a tribunal. Presentation to a law enforcement officer of a certified copy of a Canadian domestic-violence protection order is not required for enforcement.

(b) Presentation to a law enforcement officer of a record of a Canadian domestic-violence protection order that identifies both a protected individual and a respondent and on its face is in effect constitutes probable cause to believe that a valid order exists.

(c) If a record of a Canadian domestic-violence protection order is not presented as provided in subsection (b), a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic-violence protection order exists.

(d) If a law enforcement officer determines that an otherwise valid Canadian domestic-violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(e) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

§ -4 Enforcement of Canadian domestic-violence protection order by tribunal. (a) A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic-violence protection order on application of:

- (1) A person authorized by law of this State other than this chapter to seek enforcement of a domestic-protection order; or
- (2) A respondent.

(b) In a proceeding under subsection (a), the tribunal shall follow the procedures of this State for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic-violence protection order.

(c) A Canadian domestic-violence protection order is enforceable under this section if:

- (1) The order identifies a protected individual and a respondent;
- (2) The order is valid and in effect;
- (3) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and
- (4) The order was issued after:

(A) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(B) In the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(d) A Canadian domestic-violence protection order valid on its face is prima facie evidence of its enforceability under this section.

(e) A claim that a Canadian domestic-violence protection order does not comply with subsection (c) is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order that the Canadian domestic-violence protection order is not enforceable under this section and section -3 and may not be registered under section -5.

(f) A person who violates a valid Canadian domestic-violence protection order shall be subject to the penalties provided in section 586-26.

§ -5 Registration of Canadian domestic-violence protection order.

(a) An individual may register a Canadian domestic-violence protection order in a Hawaii state court. To register the order, the individual shall present a certified copy of the Canadian domestic-violence protection order, accompanied by a sworn affidavit that the order remains in effect and has not been vacated or modified. No filing fee shall be required for registration of the order.

(b) Registration in this State or filing of a Canadian domestic-violence protection order with Hawaii state courts shall not be required for enforcement of a Canadian domestic-violence protection order in this State.

§ -6 Immunity. Any law enforcement officer acting in good faith shall be immune from civil or criminal liability in any action arising in connection with enforcement of a valid Canadian domestic-violence protection order or a Canadian domestic-violence protection order that appears to be authentic on its face. For the purposes of this section, “authentic on its face” means the Canadian domestic-violence protection order contains the names of both parties and remains in effect.

§ -7 Other remedies. An individual who seeks a remedy under this chapter may seek other legal or equitable remedies.

§ -8 Uniformity of application and construction. In applying and construing this uniform Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ -9 Relation to Electronic Signatures in Global and National Commerce Act. This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 United States Code section 7001 et seq., but does not:

- (1) Modify, limit, or supersede section 101(c) of that Act, 15 United States Code section 7001(c); or
- (2) Authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 United States Code section 7003(b).

§ -10 Transition. This chapter shall apply to a Canadian domestic-violence protection order issued before, on, or after the effective date of this chapter and to a continuing action for enforcement of a Canadian domestic-violence protection order commenced before, on, or after the effective date of this chapter. A request for enforcement of a Canadian domestic-violence protection order made on or after the effective date of this chapter for a violation of the order occurring before, on, or after the effective date of this chapter shall be governed by this chapter.”

SECTION 2. Section 586-21, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§586-21]]~~ **Foreign protective orders.** Any valid protective order, as defined in title 18 [U.S.C. §2266,] United States Code section 2266, issued by a court or tribunal of another state, tribe, or territory of the United States, or issued by a court or tribunal of Canada and recognized under chapter ___, shall be accorded full faith and credit by the courts of this State and shall be enforced as if it were an order issued in this State.”

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 108

H.B. NO. 1991

A Bill for an Act Relating to Consumer Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the theft of personal items may significantly impact a person financially as well as in other ways, such as the loss of work data or school notes on a laptop or the loss of memories on a cellular phone. Bicycle thefts further impact the State's sustainability goals of reducing carbon emissions and utilizing low carbon transportation as residents are inhibited in investing in and using bicycles for transportation. Reducing resale opportunities for these items is one way to decrease the motivation to steal them.

The legislature further finds that while bicycles are required to be registered with the county and the failure to do so subjects the owner to fines, these requirements have been insufficient to stop the theft and subsequent resale of bicycles. The legislature believes that the creation of a publicly available database of stolen bicycle serial and emblem numbers would help deter the theft of bicycles and the resale of stolen bicycles.

The legislature notes that stolen items are occasionally resold through pawnshops, businesses that purchase secondhand items, and online sales platforms. Businesses with a physical presence and monetary transactions in the State must be licensed to operate and are required to submit records of transaction to county police departments. However, records of these transactions are currently being submitted in hard copy. This manual inputting of data by the county police departments creates an unnecessary lag and is an impediment to quickly comparing and identifying potentially stolen items against itemized lists from recent burglaries and thefts.

The legislature also finds that allowing pawnbrokers and secondhand dealers to submit electronic records will enable county police departments to process these records in a more efficient manner and decrease the time frame for record retention. Authorizing electronic submittal for records of transaction would also allow articles to be properly categorized, listed, itemized, and accounted in real time. An electronic submission system that contains detailed descriptions or pictures of all markings, inscriptions, serial numbers of bicycles, and serial numbers of electronics would allow detectives to quickly identify stolen items and could be shared to other law enforcement agencies in the State.

The purpose of this Act is to:

- (1) Prohibit, in counties with a population of five hundred thousand or more, the sale of a bicycle that is reported as stolen and listed on a publicly available online stolen bicycle database;
- (2) Require the police department or other designated agency in counties with a population of five hundred thousand or more to establish the publicly available online stolen bicycle database; and
- (3) Update the recordkeeping and retention requirements for businesses that buy previously owned articles.

SECTION 2. Chapter 293, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§293- Prohibition of sale; stolen. (a) In any county with a population of five hundred thousand or more, no person shall sell or offer for sale a bicycle on an online sales platform, at a dealer, or elsewhere if the bicycle:

- (1) Has been reported as stolen to a county police department; and
- (2) Is listed on a publicly available online stolen bicycle database as provided in subsection (b).

(b) In any county with a population of five hundred thousand or more, the county police department or any other agency as designated by the county shall establish the publicly available online stolen bicycle database that allows persons to verify if a bicycle serial number or emblem number has been reported as stolen.

(c) Any person who violates this section shall be guilty of a misdemeanor and shall be fined either \$500, the listed sale price on the advertisement, or the actual sale price, whichever is greater.

(d) For purposes of this section:

“Dealer” has the same meaning as in section 486M-1.

“Online sales platform” means an internet website or application that:

- (1) Is open to the public;
- (2) Operates in the State; and
- (3) Enables the sale of goods between persons using any medium of facilitation.

(e) The prosecution need not prove the person’s state of mind as to the attendant circumstance of the offense occurring in a county with a population of five hundred thousand or more.

(f) It shall be an affirmative defense that the person viewed the publicly available online stolen bicycle database and did not see the bicycle listed before selling or offering to sell the bicycle.”

SECTION 3. Section 486M-2, Hawaii Revised Statutes, is amended to read as follows:

“§486M-2 Record of transactions. (a) Every dealer, or the agent, employee, or representative of the dealer, shall, immediately upon receipt of any article, record the following information, on an electronic recordkeeping form or a paper form authorized by the chief of police in each county:

- (1) The name and address of the dealer;
- (2) The name, residence address, date of birth, and [the] age of the person from whom the article was received;
- (3) The date and time the article was received by the dealer;
- (4) The signature of the person from whom the article was received;
- (5) The Hawaii [driver’s] license number, or if the person does not possess a Hawaii [driver’s] license, the number of and description of any government issued identification [which] that bears a photograph of the person from whom the article was received;
- (6) A photograph of the person from whom the article was received;
- ~~(6)~~ (7) Either a complete and accurate description of the article received, including all markings, names, initials, [and] inscriptions[;], and unique identifying markings, such as serial numbers or emblem numbers, or photographs accurately depicting the article received, including all markings, names, initials, inscriptions, and unique identifying markings, such as serial numbers or emblem numbers;

- ~~(7)~~ (8) A reasonable estimate of the fineness and weights of the precious and semiprecious metals and precious and semiprecious gems received; ~~and~~
- (8) (9) The price paid by the dealer for each article~~[-]; and~~
- (10) A signed copy of any pawn transaction agreement made pursuant to part V of chapter 445, if any.

(b) Upon request and at the discretion of the chief of police of each county, copies of all completed forms required by this section shall be surrendered, mailed, or electronically inputted and transmitted via modem or by facsimile transmittal to the chief of police or to the chief of police's authorized representative. ~~[The method of submittal to the chief of police shall be at the option of the dealer.]~~ The chief of police of each county or the chief of police's authorized representative shall determine the method of submission for record-keeping, whether the submissions be by electronic forms or paper forms; provided that, in any county with a population of five hundred thousand or more, completed forms shall be submitted free of charge through a webpage, online service, or online application established by the county police department or any other agency as designated by the county.

(c) The requirements for a photograph of the person from whom the article was received, the submission of recordkeeping by electronic means through a webpage, online service, or online application, and the submission of a photograph of the person from whom the article was received shall not apply to any dealer, or dealer's agent, employee, or representative, where the dealer first obtained a pawnbroker or secondhand license on or before January 1, 2002, and has continuously operated a pawnbroker or secondhand business that is open to the public and has a physical address since January 1, 2002."

SECTION 4. Section 486M-4, Hawaii Revised Statutes, is amended to read as follows:

"§486M-4 Minimum retention of items. (a) No dealer, ~~[the dealer's agents, employees, or representatives]~~ or agent, employee, or representative of the dealer, shall alter, melt, deface, break apart, dispose of, or change the character or integrity of the precious or semiprecious metals or precious or semiprecious gems received or purchased for a period of fifteen calendar days ~~[in counties with a population of less than three hundred thousand and thirty calendar days in counties with a population of three hundred thousand or more]~~ after the purchase or possession by the dealer, whichever comes later. Every article received by the dealer~~[-]; or the dealer's agents, employees, or representatives]~~ shall be retained by the dealer in the county where received or purchased for a period of fifteen calendar days ~~[in counties with a population of less than three hundred thousand and thirty calendar days in counties with a population of three hundred thousand or more]~~ after the purchase or possession by the dealer, whichever comes later.

~~[(b) At the discretion of the chief of police of each county, the holding period may be reduced to fifteen calendar days; provided that the dealer has computerized record-keeping and transmittal capabilities acceptable to the chief of police or the chief of police's authorized representative.~~

(e) (b) Notwithstanding subsection (a) to the contrary, a secondhand dealer operating an automated recycling kiosk shall retain previously owned consumer handheld electronic cellular phone devices for a total period of thirty calendar days from the date they were received or purchased; provided that the secondhand dealer operating an automated recycling kiosk may store the previously owned consumer handheld electronic cellular phone devices at a business location outside the county where the devices were received or purchased;

provided further that[;] upon request by law enforcement within the thirty-day retention period, a secondhand dealer operating an automated recycling kiosk shall promptly return any requested devices no later than five business days from the date of the request at no cost to the requesting law enforcement agency.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 109

H.B. NO. 2049

A Bill for an Act Relating to Statutory Revision: Amending or Repealing Various Provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii For the Purposes of Correcting Errors and References, Clarifying Language, or Deleting Obsolete or Unnecessary Provisions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 15-13.5, Hawaii Revised Statutes, is amended to read as follows:

“**§15-13.5 Eligibility of voter after absentee ballot cast.** The absentee ballot of any voter who was eligible to vote at the time the ballot was cast shall not be deemed invalid solely because the voter became ineligible to vote after casting the ballot. For the purposes of this section, “cast” means that the voter has:

- (1) Deposited the absentee ballot in the mail for ballots mailed in accordance with section [~~15-9(a)(1);~~] 15-9;
- (2) Delivered the absentee ballot to the appropriate county clerk or polling place in accordance with section 15-9; or
- (3) Completed voting in person at an absentee polling place.”

SECTION 2. Section 23-78, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) This section shall apply to the following:

- (1) Section 237-24.7(1)—Amounts received by hotel operators and hotel suboperators for employee wages and fringe benefits;
- (2) Section 237-24.7(2)—Amounts received by a county transportation system operator under a contract with the county;
- (3) Section 237-24.7(4)—Amounts received by orchard property operators for employee wages and fringe benefits;
- (4) Section 237-24.7(6)—Amounts received from insurers for damage or loss of inventory of businesses located in a natural disaster area;
- (5) Section 237-24.7(7)—Amounts received by community organizations, school booster clubs, and nonprofit organizations for precinct and other election-related activities;
- (6) Section 237-24.7(8)—Interest received by persons domiciled outside the State from trust companies acting as payment agents or trustees

on behalf of issuers or payees of interest-bearing instruments or obligations;

- (7) Section 237-24.7(9)—Amounts received by management companies from related entities engaged in interstate or foreign common carrier telecommunications services for employee wages and fringe benefits; and
- (8) Section 237-24.7(10)—Amounts received from [high] technology research and development grants.

SECTION 3. Section 201B-12, Hawaii Revised Statutes, is amended by amending its title to read as follows:

“§201B-12 Exemption of authority from taxation [~~and Hawaii public procurement code~~].”

SECTION 4. Section 206M-24, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) For the purposes of this section:

“Grant” means financial assistance provided to Hawaii small business innovation research, small business technology transfer, and other agency and private sector awardees and applicants under the terms and conditions provided in this chapter.

“Hawaii small business innovation research”, “small business technology transfer”, and “sustainable aviation fuel program” means the programs administered by the development corporation to encourage participation by enterprises in federal research and development programs.

“Other agency” means an entity that receives an award or contract granted by the United States Departments of Agriculture, Transportation, Energy, Defense, or Commerce, or other federal agencies for activities consistent with those defined in this section.

“Small business” shall have the same meaning as in section 201M-1.

“Sustainable aviation fuel” means [~~American Society for Testing and Materials~~] ASTM International D7566-compliant renewable aviation turbine fuel derived from biofuels, as defined in section 269-91, and with a greenhouse gas lifecycle carbon intensity lower than the baseline for jet fuel defined by the International Civil Aviation Organization.”

SECTION 5. Section 249-1, Hawaii Revised Statutes, is amended by amending the definition of “moped” to read as follows:

““Moped” means a device upon which a person may ride that has [two]:

- (1) Two or three wheels in contact with the ground[~~-a~~];
- (2) A motor having a maximum power output capability measured at the motor output shaft, in accordance with [~~the Society of Automotive Engineers~~] SAE International standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and that will propel the device, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; and [~~a~~]
- (3) A direct or automatic power drive system[~~-which~~] that requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

“Moped” does not include an electric foot scooter.”

SECTION 6. Section 286-2, Hawaii Revised Statutes, is amended by amending the definition of “moped” to read as follows:

““Moped” means a device upon which a person may ride that has ~~two~~:

- (1) Two or three wheels in contact with the ground~~[-a]~~;
- (2) A motor having a maximum power output capability measured at the motor output shaft, in accordance with ~~[the Society of Automotive Engineers]~~ SAE International standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and that will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; and ~~[a]~~
- (3) A direct or automatic power drive system~~[-which]~~ that requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

“Moped” does not include an electric foot scooter.”

SECTION 7. Section 291C-1, Hawaii Revised Statutes, is amended by amending the definition of “moped” to read as follows:

““Moped” means a device upon which a person may ride that has ~~two~~:

- (1) Two or three wheels in contact with the ground~~[-a]~~;
- (2) A motor having a maximum power output capability measured at the motor output shaft, in accordance with ~~[the Society of Automotive Engineers]~~ SAE International standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and that will propel the device, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; and ~~[a]~~
- (3) A direct or automatic power drive system~~[-which]~~ that requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

“Moped” does not include an electric foot scooter.”

SECTION 8. Section 291C-202, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Every moped offered for sale for use upon, sold for use upon, or used upon the roadways and highways shall be equipped with:

- (1) A motor having a maximum power output capability, measured at the motor output shaft, in accordance with ~~[the Society of Automotive Engineers]~~ SAE International standards, of two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and ~~[which]~~ that will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour; provided that those mopeds, including those modified pursuant to section 291C-206, registered prior to April 23, 1998, shall continue to be subject to the prior thirty-five miles per hour maximum speed limitation; and
- (2) A direct or automatic power drive system ~~[which]~~ that requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.”

SECTION 9. Section 291J-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) During the first thirty days of operation of an individual photo red light imaging detector system at a particular traffic signal, a warning shall be issued for any violation of section 291C-32(c) and mailed to the registered owner of the motor vehicle at the address on record [as] at the vehicle licensing division in lieu of a summons or citation pursuant to section 291J-6.”

SECTION 10. Section 350-1, Hawaii Revised Statutes, is amended by amending the definitions of “severe forms of trafficking in persons” and “sex trafficking” to read as follows:

““Severe forms of trafficking in persons” has the same meaning as provided in title 22 United States Code Annotated section [7102(9)-] 7102.

“Sex trafficking” has the same meaning as provided in title 22 United States Code Annotated section [7102(10)-] 7102.”

SECTION 11. Section 486-7, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The specifications, tolerances, and other technical requirements for measuring devices and the uniform laws and regulations as adopted by the National Conference on Weights and Measures, recommended and published by the National Institute of Standards and Technology and adopted[.] or amended and adopted by the board pursuant to chapter 91, shall be the basis for measurement standards in the State. In addition, the board, pursuant to chapter 91, may adopt or amend and adopt any other measurement standard established by the National Institute of Standards and Technology, [~~the American Society for Testing and Materials;~~] ASTM International, the American National Standards Institute, the International Organization of Legal Metrology, the International Bureau of Weights and Measures, and [~~the Society of Automotive Engineers;~~] SAE International, among others.”

SECTION 12. Section 486-56, Hawaii Revised Statutes, is amended to read as follows:

“**§486-56 Adoption of standards and rules.** The standards as published by [~~the American Society for Testing and Materials (ASTM)]~~ ASTM International and [~~the Society of Automotive Engineers (SAE)]~~ SAE International are adopted except as amended or modified by rule of the board pursuant to chapter 91. The board may also adopt rules on the advertising, labeling, standards for, handling, storing, dispensing, and selling of petroleum products. Notwithstanding the foregoing, rules adopted by the board referring to ASTM D4814, relating to standard specification for automotive spark-ignition engine fuel, shall be deemed to refer to version ASTM D4814-13b adopted in 2013, as modified by the National Institute of Standards and Technology Handbook 130, part IV, subpart G, section 2.1 adopted in 2013.”

SECTION 13. Section 706-606.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Notwithstanding section 706-669 and any other law to the contrary, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies:

- (a) Section 134-7 relating to persons prohibited from owning, possessing, or controlling firearms or ammunition;
- (b) Section 134-8 relating to ownership, etc., of certain prohibited weapons;

- (c) Section 134-17 only as it relates to providing false information or evidence to obtain a permit under section 134-9;
- (d) Section 188-23 relating to possession or use of explosives, electro-fishing devices, and poisonous substances in state waters;
- (e) Section 386-98(d)(1) relating to fraud violations and penalties;
- (f) Section 431:2-403(b)(2) relating to insurance fraud;
- (g) Section 707-703 relating to negligent homicide in the second degree;
- (h) Section 707-711 relating to assault in the second degree;
- (i) Section 707-713 relating to reckless endangering in the first degree;
- (j) Section 707-716 relating to terroristic threatening in the first degree;
- (k) Section 707-721 relating to unlawful imprisonment in the first degree;
- (l) Section 707-732 relating to sexual assault in the third degree;
- (m) Section 707-752 relating to promoting child abuse in the third degree;
- (n) Section 707-757 relating to electronic enticement of a child in the second degree;
- (o) Section 707-766 relating to extortion in the second degree;
- (p) Section 708-811 relating to burglary in the second degree;
- (q) Section 708-821 relating to criminal property damage in the second degree;
- (r) Section 708-831 relating to theft in the second degree;
- (s) Section 708-835.5 relating to theft of livestock;
- (t) Section 708-836 relating to unauthorized control of a propelled vehicle[;] in the first degree;
- (u) Section 708-839.55 relating to unauthorized possession of confidential personal information;
- (v) Section 708-839.8 relating to identity theft in the third degree;
- (w) Section 708-852 relating to forgery in the second degree;
- (x) Section 708-854 relating to criminal possession of a forgery device;
- (y) Section 708-875 relating to trademark counterfeiting;
- (z) Section 710-1071 relating to intimidating a witness;
- (aa) Section 711-1103 relating to riot;
- (bb) Section 712-1221 relating to promoting gambling in the first degree;
- (cc) Section 712-1224 relating to possession of gambling records in the first degree;
- (dd) Section 712-1247 relating to promoting a detrimental drug in the first degree; or
- (ee) Section 846E-9 relating to failure to comply with covered offender registration requirements,

or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B felony, or any of the class C felony offenses enumerated above and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same: murder, murder in the first or second degree, a class A felony, a class B felony, any of the class C felony offenses enumerated above, or any felony conviction of another jurisdiction, shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole as provided in subsection (2).”

SECTION 14. Act 173, Session Laws of Hawaii 2021, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect upon its approval [~~and shall be repealed~~]; provided that on June 30, 2025[-], this Act shall be repealed and section 302L-1.6(c), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.”

SECTION 15. Act 1, Special Session Laws of Hawaii 2021, is amended by amending section 25 to read as follows:

“SECTION 25. This Act shall take effect on July 1, 2021; provided that [parts]:

- (1) Parts VI and VII of this Act shall take effect on January 1, 2022[-];
- (2) The amendments made to section 87A-42, Hawaii Revised Statutes, in section 8 of this Act shall take effect upon the reenactment of that section on June 30, 2023, pursuant to section 9 of Act 229, Session Laws of Hawaii 2021; and
- (3) The amendments made to section 237D-6.5(b), Hawaii Revised Statutes, in section 13 of this Act shall not be repealed when that subsection is reenacted on June 30, 2023, pursuant to section 9 of Act 229, Session Laws of Hawaii 2021.”

SECTION 16. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 17. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 110

H.B. NO. 2074

A Bill for an Act Relating to Credit for Time of Detention Prior to Sentence.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature, by Act 50, Session Laws of Hawaii 2012, enacted subsection (3) of section 706-671, Hawaii Revised Statutes, to prevent a defendant from earning credit for time served for a subsequent crime while the defendant is serving a sentence of imprisonment for a separate, unrelated offense.

In *State v. Abihai*, 146 Hawaii 398, 463 P.3d 1055 (2020), however, the Hawaii supreme court held that section 706-671(3) did not prevent the defendant from receiving that credit for time served. In that case the defendant committed escape in the second degree while serving a term of imprisonment for a prior offense. Once apprehended, the defendant was returned to custody to continue serving his term of imprisonment and bail was set on his escape case. Although the intent behind section 706-671(3), Hawaii Revised Statutes, is to deny such a defendant credit for the time served for a subsequent offense while serving a term of imprisonment for a prior offense, the court held that under the plain language of section 706-671(3), Hawaii Revised Statutes, the defendant was still entitled to credit pursuant to section 706-671(1), Hawaii Revised Statutes.

The purpose of this Act is to clarify that a defendant, being sentenced for an offense that was committed while serving a sentence of imprisonment on

a separate unrelated felony conviction, cannot be given credit for a period of presentence detention that took place while the defendant was also serving the sentence of imprisonment for the separate unrelated felony conviction.

SECTION 2. Section 706-671, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

“(3) Notwithstanding subsection (1) and any other law to the contrary, when a defendant is [convicted] sentenced for a crime committed while serving a sentence of imprisonment on a separate unrelated felony conviction, [credit for time being served for the term of imprisonment imposed on the defendant for the separate unrelated felony conviction shall not be deducted from the term of imprisonment imposed on the defendant for the subsequent conviction.] and the defendant was detained in any state or local correctional or other institution following the defendant’s arrest for the crime for which a sentence is imposed, any periods of detention following the defendant’s arrest that took place while the defendant was also serving a sentence of imprisonment for the separate unrelated felony conviction shall not be deducted from the minimum and maximum terms of the sentence imposed on the later crime.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

ACT 111

H.B. NO. 2197

A Bill for an Act Relating to Gambling.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that violent activity in and around illegal gambling houses has grown rampant in recent years, with reports of armed robberies, stabbings, and shootings becoming all too common. There have been reports of “turf wars” between factions, vying for security work at these establishments, which have resulted in multiple killings.

The legislature further finds that aside from physical violence, illegal gambling houses are known for being drug and sex trafficking establishments, as reflected by a report published on February 1, 2021, by the Hawaii state commission on the status of women. Citing a 2019 study conducted jointly with Arizona State University, the report found that twenty-two per cent of twenty-two sex trafficking victims were exploited in illegal game rooms in the State. A first-hand account stated that they would go to illegal game rooms around town and find drug dealers present. Another first-hand account stated they were responsible for moving young sex-trafficking victims, all under twenty-five years of age, who were on heroin and living in illegal game rooms as runaways from abusive homes. Due to these testimonies, the legislature believes that illegal gambling houses have a profoundly negative impact on communities across the State, particularly in residential neighborhoods.

The legislature further finds that existing law makes it nearly impossible for law enforcement to prosecute property owners whose properties are used as illegal gambling houses. Even if the same property owner repeatedly leases their property to individuals who use it as an illegal gambling house, there is practically no way to establish a property owner's knowing state of mind if they do not visit the property and purportedly has no inclination of illegal gambling activities happening on their property. Individuals who work at illegal gambling establishments as cashiers, security, or similarly culpable jobs are typically charged under promoting gambling in the second degree, which is a misdemeanor. In comparison, promoting prostitution is a class B felony and applies to those with arguably less involvement in the business enterprise, such as drivers who refer passengers to a commercial sex worker for "kickbacks". The legislature believes that a misdemeanor level offense is inconsistent with the dangerous effects that illegal gambling houses have on the surrounding communities.

In order to guard the safety and welfare of the State's citizens, and particularly residential neighborhoods, illegal gambling houses cannot be tolerated any longer and existing laws relating to the promotion of gambling need to be strengthened to deter and punish those who put the State's citizens at risk.

While the legislature believes that existing laws need to be strengthened, it is not the intent to affect the significant exception that currently exists for social gambling as provided under section 712-1231, Hawaii Revised Statutes; and existing exceptions for trading securities or commodities, selling or purchasing insurance, and any other exceptions provided under section 712-1220, Hawaii Revised Statutes. It is the intent of the legislature to only affect the promotion of illegal gambling.

Accordingly, the purpose of this Act is to:

- (1) Amend the definition of "advance gambling activity" to repeal playing or participating in any form of gambling activity;
- (2) Amend the requisite state of mind for promoting gambling in the first and second degree to recklessness and negligence, respectively;
- (3) Amend the offenses of promoting gambling in the first and second degree to a class B felony and class C felony, respectively;
- (4) Amend the offense of gambling to repeal advancing any gambling activity; and
- (5) Exclude the offenses of promoting gambling in the first and second degree from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

SECTION 2. Section 706-606.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) Notwithstanding section 706-669 and any other law to the contrary, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies:

- (a) Section 134-7 relating to persons prohibited from owning, possessing, or controlling firearms or ammunition;
- (b) Section 134-8 relating to ownership, etc., of certain prohibited weapons;
- (c) Section 134-17 only as it relates to providing false information or evidence to obtain a permit under section 134-9;
- (d) Section 188-23 relating to possession or use of explosives, electro-fishing devices, and poisonous substances in state waters;
- (e) Section 386-98(d)(1) relating to fraud violations and penalties;
- (f) Section 431:2-403(b)(2) relating to insurance fraud;

- (g) Section 707-703 relating to negligent homicide in the second degree;
- (h) Section 707-711 relating to assault in the second degree;
- (i) Section 707-713 relating to reckless endangering in the first degree;
- (j) Section 707-716 relating to terroristic threatening in the first degree;
- (k) Section 707-721 relating to unlawful imprisonment in the first degree;
- (l) Section 707-732 relating to sexual assault in the third degree;
- (m) Section 707-752 relating to promoting child abuse in the third degree;
- (n) Section 707-757 relating to electronic enticement of a child in the second degree;
- (o) Section 707-766 relating to extortion in the second degree;
- (p) Section 708-811 relating to burglary in the second degree;
- (q) Section 708-821 relating to criminal property damage in the second degree;
- (r) Section 708-831 relating to theft in the second degree;
- (s) Section 708-835.5 relating to theft of livestock;
- (t) Section 708-836 relating to unauthorized control of propelled vehicle;
- (u) Section 708-839.55 relating to unauthorized possession of confidential personal information;
- (v) Section 708-839.8 relating to identity theft in the third degree;
- (w) Section 708-852 relating to forgery in the second degree;
- (x) Section 708-854 relating to criminal possession of a forgery device;
- (y) Section 708-875 relating to trademark counterfeiting;
- (z) Section 710-1071 relating to intimidating a witness;
- (aa) Section 711-1103 relating to riot;
- ~~[(bb)]~~ Section 712-1221 relating to promoting gambling in the first degree;
- ~~(ee)]~~ (bb) Section 712-1224 relating to possession of gambling records in the first degree;
- ~~[(dd)]~~ (cc) Section 712-1247 relating to promoting a detrimental drug in the first degree; or
- ~~[(ee)]~~ (dd) Section 846E-9 relating to failure to comply with covered offender registration requirements,

or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B felony, or any of the class C felony offenses enumerated above and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same: murder, murder in the first or second degree, a class A felony, a class B felony, any of the class C felony offenses enumerated above, or any felony conviction of another jurisdiction, shall be sentenced to a mandatory minimum period of imprisonment without possibility of parole as provided in subsection (2).”

SECTION 3. Section 712-1220, Hawaii Revised Statutes, is amended by amending the definition of “advance gambling activity” to read as follows:

““Advance gambling activity”. A person “advances gambling activity” if ~~he engages~~ the person:

- (1) Engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward ~~the~~;

- (A) ~~The creation or establishment of the particular game, contest, scheme, device, or activity involved[, toward the];~~
 - (B) ~~The acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor[, toward the];~~
 - (C) ~~The solicitation or inducement of persons to participate therein[, toward the];~~
 - (D) ~~The actual conduct of the playing phases thereof[, toward the];~~
 - (E) ~~The arrangement of any of its financial or recording phases[, or toward any];~~ or
 - (F) Any other phase of its operation~~[- A person advances gambling activity if, having];~~ or
- (2) Having substantial proprietary control or other authoritative control over premises being used with [his] the person's knowledge for purposes of gambling activity, [he] permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. [A person advances gambling activity if he plays or participates in any form of gambling activity.]”

SECTION 4. Section 712-1221, Hawaii Revised Statutes, is amended to read as follows:

“§712-1221 Promoting gambling in the first degree. (1) A person commits the offense of promoting gambling in the first degree if the person [~~knowingly~~] recklessly advances or profits from gambling activity by:

- (a) Engaging in bookmaking to the extent that the person receives or accepts in any seven-day period more than five bets totaling more than \$500;
 - (b) Receiving in connection with a lottery, or mutuel scheme or enterprise, money or written records from a person other than a player whose chances or plays are represented by such money or records; or
 - (c) Receiving or having become due and payable in connection with a lottery, mutuel, or other gambling scheme or enterprise, more than \$1,000 in any seven-day period played in the scheme or enterprise.
- (2) Promoting gambling in the first degree is a class [C] B felony.”

SECTION 5. Section 712-1222, Hawaii Revised Statutes, is amended to read as follows:

“§712-1222 Promoting gambling in the second degree. (1) A person commits the offense of promoting gambling in the second degree if the person [~~knowingly~~] negligently advances or profits from gambling activity.

(2) Promoting gambling in the second degree is a [~~misdemeanor~~] class C felony.”

SECTION 6. Section 712-1223, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of gambling if the person knowingly [advances or] participates in any gambling activity.”

SECTION 7. Section 853-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- (a) This chapter shall not apply when:
 - (1) The offense charged involves the intentional, knowing, reckless, or negligent killing of another person;

- (2) The offense charged is:
 - (A) A felony that involves the intentional, knowing, or reckless bodily injury, substantial bodily injury, or serious bodily injury of another person; or
 - (B) A misdemeanor or petty misdemeanor that carries a mandatory minimum sentence and that involves the intentional, knowing, or reckless bodily injury, substantial bodily injury, or serious bodily injury of another person;
 provided that the prohibition in this paragraph shall not apply to offenses described in section 709-906(18);
- (3) The offense charged involves a conspiracy or solicitation to intentionally, knowingly, or recklessly kill another person or to cause serious bodily injury to another person;
- (4) The offense charged is a class A felony;
- (5) The offense charged is nonprobationable;
- (6) The defendant has been convicted of any offense defined as a felony by the Hawaii Penal Code or has been convicted for any conduct that if perpetrated in this State would be punishable as a felony;
- (7) The defendant is found to be a law violator or delinquent child for the commission of any offense defined as a felony by the Hawaii Penal Code or for any conduct that if perpetrated in this State would constitute a felony;
- (8) The defendant has a prior conviction for a felony committed in any state, federal, or foreign jurisdiction;
- (9) A firearm was used in the commission of the offense charged;
- (10) The defendant is charged with the distribution of a dangerous, harmful, or detrimental drug to a minor;
- (11) The defendant has been charged with a felony offense and has been previously granted deferred acceptance of guilty plea or no contest plea for a prior offense, regardless of whether the period of deferral has already expired;
- (12) The defendant has been charged with a misdemeanor offense and has been previously granted deferred acceptance of guilty plea or no contest plea for a prior felony, misdemeanor, or petty misdemeanor for which the period of deferral has not yet expired;
- (13) The offense charged is:
 - (A) Escape in the first degree;
 - (B) Escape in the second degree;
 - (C) Promoting prison contraband in the first degree;
 - (D) Promoting prison contraband in the second degree;
 - (E) Bail jumping in the first degree;
 - (F) Bail jumping in the second degree;
 - (G) Bribery;
 - (H) Bribery of or by a witness;
 - (I) Intimidating a witness;
 - (J) Bribery of or by a juror;
 - (K) Intimidating a juror;
 - (L) Jury tampering;
 - (M) Promoting prostitution;
 - (N) Abuse of family or household member except as provided in paragraph (2) and section 709-906(18);
 - (O) Sexual assault in the second degree;
 - (P) Sexual assault in the third degree;
 - (Q) A violation of an order issued pursuant to chapter 586;

- (R) Promoting child abuse in the second degree;
- (S) Promoting child abuse in the third degree;
- (T) Electronic enticement of a child in the first degree;
- (U) Electronic enticement of a child in the second degree;
- (V) Commercial sexual exploitation pursuant to section 712-1200.5;
- (W) Street prostitution and commercial sexual exploitation under section 712-1207(1)(b) or (2)(b);
- (X) Commercial sexual exploitation near schools or public parks under section 712-1209;
- (Y) Commercial sexual exploitation of a minor under section 712-1209.1; ~~[øø]~~
- (Z) Habitual commercial sexual exploitation under section 712-1209.5;
- (AA) Violation of privacy in the first degree under section 711-1110.9;
- (BB) Violation of privacy in the second degree under section 711-1111(1)(d), (e), (f), (g), or (h); ~~[øø]~~
- ~~[øø]~~(CC)~~[øø]~~ Habitually operating a vehicle under the influence of an intoxicant under section 291E-61.5(a);
- (DD) Promoting gambling in the first degree; or
- (EE) Promoting gambling in the second degree;
- (14) The defendant has been charged with:
 - (A) Knowingly or intentionally falsifying any report required under part XIII of chapter 11, with the intent to circumvent the law or deceive the campaign spending commission; or
 - (B) Violating section 11-352 or 11-353; or
- (15) The defendant holds a commercial driver's license and has been charged with violating a traffic control law, other than a parking law, in connection with the operation of any type of motor vehicle.”

SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval; provided that the amendments made to section 853-4, Hawaii Revised Statutes, by section 7 of this Act shall not be repealed when that section is reenacted on June 30, 2026, pursuant to section 15 of Act 19, Session Laws of Hawaii 2020.

(Approved June 17, 2022.)

ACT 112

H.B. NO. 2213

A Bill for an Act Relating to Mail Theft.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the ongoing coronavirus disease 2019 (COVID-19) pandemic has changed the way many families rely on delivery services. There has been a major increase in the amount of online orders being placed, and subsequently fulfilled by shipping items through the mail. Most

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packages sent through the mail are left outside the door at their intended destination if there is no mail receptacle large enough for the package on site.

The legislature further finds that reports of mail theft are on the rise. When mail carriers leave packages by doors or in otherwise unsecured mail receptacles, the packages are susceptible to theft, leading to frustration from senders and intended recipients.

The purpose of this Act is to establish the criminal offense of theft of mail.

SECTION 2. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§708- Theft of mail. (1) A person commits the offense of theft of mail if the person intentionally obtains or exerts unauthorized control over mail from another person’s mailbox or premises without the effective consent of the addressee and with the intent to deprive that addressee of the mail.

(2) For purposes of this section, “mail” means an envelope, a package, a bag, or a box that:

- (a) Is delivered by a common carrier or delivery service to an addressee;
or
- (b) Has been left to be collected for delivery by a common carrier or delivery service.
- (3) Theft of mail is a misdemeanor.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 113

S.B. NO. 2821

A Bill for an Act Relating to Menstrual Equality.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that menstrual products are necessary every month for approximately half of Hawaii’s population, beginning in the school-aged years, between the ages of ten through fifteen, or the average of twelve years old.

The legislature further finds that “period poverty”, the term that refers to an inability to access menstrual products, may negatively impact an individual’s health and well-being. Period poverty is often the result of circumstances, including but not limited to income constraints, inadequate menstrual health and hygiene education, cultural or societal shame or stigma surrounding menstruation, and a lack of running water or sanitary locations to maintain personal hygiene. Period poverty disproportionately affects menstruating students, members of low-income households, persons experiencing homelessness, individuals who identify as nonbinary or transgender, and individuals with a history of involve-

ment with the justice system. The legislature notes that economic challenges have been exacerbated by the coronavirus disease 2019 pandemic, magnifying menstrual inequity in Hawaii.

The legislature additionally finds that half of the respondents to a state-wide survey on menstruation reported missing school or work because of the respondent's menstruation. According to the 2021 study of the Hawaii state commission on the status of women and Mai Movement Hawaii, nearly one in three respondents reported that the respondent, or someone in the respondent's household, experienced difficulty obtaining menstrual products due to cost.

Additionally, it has been reported that the inability to adequately manage menstruation, specifically the lack of access to menstrual products in schools, limits full participation in school, contributes to higher rates of school absenteeism and missed activities, and negatively impacts a student's ability to learn. The 2021 study of the Hawaii state commission on the status of women and Mai Movement Hawaii reported that forty-two per cent of respondents missed class or left school because the respondents did not have access to menstrual products, and nearly twenty-two per cent of respondents missed school entirely. Of those who missed school entirely, nearly twelve per cent missed three to five school days, and six per cent missed six to ten school days in an academic year.

The legislature also finds that chronic absenteeism is one of the most powerful predictors of student success or failure. It is a priority for Hawaii public schools to minimize or eliminate chronic absenteeism. Students miss school for many reasons, but absenteeism due to inadequate menstruation management is avoidable. In August 2021, Mai Movement Hawaii began conducting a state-wide pilot project and study called the Hoohanohano initiative. Through the Hoohanohano initiative, Mai Movement Hawaii distributed menstrual products to students at certain schools on the islands of Oahu, Hawaii, Maui, and Kauai; tracked menstrual product usage over time; and conducted pre- and post-surveys of students and faculty members. Mai Movement Hawaii noted that both student and faculty survey respondents reported experiencing or witnessing students missing part of, or the entire, school day due to challenges with menstruation. Mai Movement Hawaii found that eight out of ten students have difficulties accessing menstrual products, indicating embarrassment, cost, and education as the major barriers. It has been well-studied and proven that the lack of adequate menstrual products directly and adversely impacts student health, including medical issues caused by the use of menstrual products for longer than the recommended duration or the use of substandard alternatives. The Hoohanohano initiative revealed that students used unhealthy alternatives like newspapers, old rags, diapers, folder paper, and leaves when the students did not have access to menstrual products. This jeopardizes the safety and health of students and increases the risk of serious medical issues, including preventable infections that make students susceptible to cervical cancer; infertility; reproductive tract infections; and toxic shock syndrome, which can result in death.

The legislature further finds that there is convincing evidence that free menstrual products have positive impacts on education. The midyear assessment of the Hoohanohano initiative revealed reductions in reported barriers to access, missed classes, and absences. The number of faculty that reported witnessing students experiencing difficulties accessing menstrual products dropped from fifty-six per cent to one per cent. Further, only sixteen per cent of students reported embarrassment as a barrier to access, compared to thirty-three per cent at the beginning of the year. Additionally, students reported missing fewer classes, a seven per cent improvement, and fewer school days, a nine per cent improvement, as a result of increased access to menstrual products through the Hoohanohano initiative.

More than ten states, including Arkansas, California, Colorado, Delaware, Georgia, Illinois, Nevada, New Hampshire, New York, Oregon, Rhode Island, and Washington, have laws or policies advancing menstrual equity in the states' public school and higher education systems. The Menstrual Equity Act for All, introduced earlier this year in the United States Congress, seeks to comprehensively address period poverty in schools, as well as menstrual inequity in other spaces. Countries around the world, including Kenya, New Zealand, and Scotland, have also adopted laws providing free menstrual products to students.

The legislature further finds that the department of education and state public charter school commission are required to maintain a healthy and sanitary school environment. The board of education's policy number E-103 states that "schools play an integral part in promoting quality of life through sound health and wellness practices, which are connected to achievement and learning." Basic hygiene products, including toilet paper, hand soap, and bandages, are already required to be provided free of charge and easily accessible to all students.

Furthermore, the necessity of menstrual products was made clear by the board of education, as indicated in policy number 1110-10, which states that "gender equity extends the doctrine of fairness to all areas of activity in the public school system." The lack of access to menstrual products is an obvious form of gender-based exclusion. Menstrual products are vital for the physical and mental health, well-being, and full participation of menstruating students, including but not limited to girls and transgender, nonbinary, and gender non-conforming individuals.

The legislature further finds that national and state data clearly establish that students who menstruate and cannot afford menstrual products, or are unable to access these products for other reasons, face a significant barrier to education that biologically male students do not experience.

The purpose of this Act is to require the department of education to uphold educational and gender equity by providing menstrual products to all students, free of charge, on all public school campuses.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part II, subpart C to be appropriately designated and to read as follows:

§302A- Menstrual products; availability. (a) The department shall provide menstrual products free of charge to all students on all public school campuses.

(b) For the purposes of this section:

"Menstrual products" includes but is not limited to disposable menstrual pads and tampons.

"Public school campuses" includes all department of education schools and all public charter schools."

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 20, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 114

H.B. NO. 2510

A Bill for an Act Relating to Income.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the coronavirus disease 2019 (COVID-19) pandemic presented the world with unprecedented issues, forcing people out of employment or even their own homes. The COVID-19 pandemic further exacerbated the economic hardship for many Hawaii families who are above the federal poverty line but still struggle to make ends meet. According to Aloha United Way, the COVID-19 pandemic significantly increased the percentage of households that are considered to be asset limited, income constrained, and employed (ALICE) to fifty-nine per cent, which is up from forty-two per cent prior to the pandemic. Aloha United Way further reported a six hundred per cent increase in calls received from people seeking assistance during the pandemic.

The legislature further finds that increases to the cost of living in the State, combined with stagnant wages, have contributed to the increase in the number of ALICE households. The legislature also finds that while the cost of living continues to increase, minimum wage has not increased to an appropriate amount necessary to offset the higher increase in cost of living. Increasing the minimum wage to support the working class is necessary to ensure that living in Hawaii is affordable. The legislature acknowledges the economic hardships experienced not only by ALICE households, but also by businesses that employ many of these families. While increasing the minimum wage will support employees, it will also have an impact on certain businesses, especially during a time of significant economic hardships brought on by government mandates to mitigate the spread of COVID-19. However, the legislature believes that helping working families by increasing the minimum wage is a necessary step to foster economic stability in Hawaii.

Accordingly, the purpose of this Act is to help working families by:

- (1) Making the earned income tax credit refundable and permanent and provide a carryforward of nonrefundable credits previously claimed; and
- (2) Incrementally increasing the minimum wage beginning on October 1, 2022.

SECTION 2. Section 235-55.75, Hawaii Revised Statutes, is amended to read as follows:

~~“§235-55.75—Earned~~ **Refundable earned income tax credit.** (a) Each qualifying individual taxpayer may claim a ~~[nonrefundable]~~ **refundable** earned income tax credit. The tax credit, for the appropriate taxable year, shall be twenty per cent of the federal earned income tax credit allowed and properly claimed under section 32 of the Internal Revenue Code and reported as such on the individual's federal income tax return.

(b) For a part-year resident, the tax credit shall equal the amount of the tax credit calculated in subsection (a) multiplied by the ratio of Hawaii adjusted gross income to federal adjusted gross income.

(c) For purposes of this section, “qualifying individual taxpayer” means a taxpayer that:

- (1) Files a federal income tax return for the taxable year claiming the earned income tax credit under section 32 of the Internal Revenue Code; and

- (2) Files a Hawaii income tax return using the filing status used on the federal income tax return for the taxable year and claiming the same dependents claimed on the federal income tax return for the taxable year.

(d) The credit allowed under this section shall be claimed against the net income tax liability for the taxable year. ~~[If the tax credit under this section exceeds the taxpayer's income tax liability, the excess of the tax credit over liability may be used as a credit against the taxpayer's net income tax liability in subsequent years until exhausted.]~~ If the tax credit claimed by the taxpayer under this section exceeds the amount of the income tax payments due from the taxpayer, the excess of credit over payments due shall be refunded to the taxpayer; provided that the tax credit properly claimed by a taxpayer who has no income tax liability shall be paid to the taxpayer; provided further that no refunds or payments on account of the tax credit allowed by this section shall be made for amounts less than \$1. All claims, including amended claims, for a tax credit under this section shall be filed on or before the end of the twelfth month following the close of the taxable year for which the credit may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit.

(e) No credit shall be allowed under this section for any taxable year in the disallowance period. For purposes of this subsection, the disallowance period is:

- (1) The period of ten taxable years after the most recent taxable year for which there was a final administrative or judicial decision that the taxpayer's claim for credit under this section was due to fraud; and
- (2) The period of two taxable years after the most recent taxable year for which there was a final administrative or judicial decision disallowing the taxpayer's claim for credit.

(f) The director of taxation:

- (1) Shall prepare any forms necessary to claim a tax credit under this section;
- (2) May require proof of the claim for the tax credit;
- (3) Shall alert eligible taxpayers of the tax credit using appropriate and available means;
- (4) Shall prepare an annual public report to the legislature and the governor containing the:
 - (A) Number of credits granted for the prior calendar year;
 - (B) Total amount of the credits granted; and
 - (C) Average value of the credits granted to taxpayers whose earned income falls within various income ranges; and
- (5) May adopt rules pursuant to chapter 91 to effectuate this section.

~~[(g) This section shall apply to taxable years beginning after December 31, 2017, but shall not apply to taxable years beginning after December 31, 2022.]~~

(g) If nonrefundable credits claimed under this section for any of the four consecutive taxable years beginning after December 31, 2017, exceed the taxpayer's income tax liability for the original claim year, the excess of the tax credits over liability may be used as a credit against the taxpayer's net income tax liability in subsequent years until exhausted; provided that no credit carried forward under this subsection shall be used as a credit for a taxable year beginning after December 31, 2024."

SECTION 3. Section 387-2, Hawaii Revised Statutes, is amended to read as follows:

“§387-2 Minimum wages. (a) Except as provided in section 387-9 and this section, every employer shall pay to each employee employed by the employer, wages at the rate of not less than:

- (1) \$6.25 per hour beginning January 1, 2003;
- (2) \$6.75 per hour beginning January 1, 2006;
- (3) \$7.25 per hour beginning January 1, 2007;
- (4) \$7.75 per hour beginning January 1, 2015;
- (5) \$8.50 per hour beginning January 1, 2016;
- (6) \$9.25 per hour beginning January 1, 2017; ~~[and]~~
- (7) \$10.10 per hour beginning January 1, 2018~~[,];~~
- (8) \$12.00 per hour beginning October 1, 2022;
- (9) \$14.00 per hour beginning January 1, 2024;
- (10) \$16.00 per hour beginning January 1, 2026; and
- (11) \$18.00 per hour beginning January 1, 2028.

(b) The hourly wage of a tipped employee may be deemed to be increased on account of tips if the employee is paid ~~[not]~~ no less than:

- (1) 25 cents;
- (2) 50 cents per hour beginning January 1, 2015; ~~[and]~~
- (3) 75 cents per hour beginning January 1, 2016~~[,];~~
- (4) \$1.00 per hour beginning October 1, 2022;
- (5) \$1.25 per hour beginning January 1, 2024; and
- (6) \$1.50 per hour beginning January 1, 2028,

below the applicable minimum wage by the employee’s employer and the combined amount the employee receives from the employee’s employer and in tips is at least 50 cents more than the applicable minimum wage; provided that beginning January 1, 2015, the combined amount the employee receives from the employee’s employer and in tips is at least \$7.00 more than the applicable minimum wage.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval; provided that section 2 shall apply to taxable years beginning after December 31, 2022.

(Approved June 22, 2022.)

ACT 115

S.B. NO. 514

A Bill for an Act Relating to the General Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that article VII, section 6, of the Hawaii State Constitution requires the legislature to dispose of excess general fund revenues when certain factors are met, as follows:

- “(1) Provide for a tax refund or tax credit to the taxpayers of the State, as provided by law;
- (2) Make a deposit into one or more funds, as provided by law, which shall serve as temporary supplemental sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue, as provided by law; or
- (3) Appropriate general funds for the pre-payment of either or both of the following, as provided by law:

- (A) Debt service for general obligation bonds issued by the State; or
- (B) Pension or other post-employment benefit liabilities accrued for state employees.”

The legislature further finds that the necessary factors have been met for two successive fiscal years and that the legislature is constitutionally required to dispose of excess tax revenues, as authorized under article VII, section 6, of the Hawaii State Constitution.

Accordingly, the purpose of this Act is to implement article VII, section 6, of the Hawaii State Constitution, by:

- (1) Providing for an income tax refund to every resident individual taxpayer of the State, as follows:
 - (A) \$300 for individuals earning less than \$100,000 and couples earning less than \$200,000; or
 - (B) \$100 for individuals earning \$100,000 or more and couples earning \$200,000 or more, multiplied by the number of the taxpayer’s qualified exemptions, to satisfy constitutionally mandated requirements;
- (2) Making a deposit of \$500,000,000 into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes; and
- (3) Making a deposit of \$300,000,000 into the pension accumulation fund established under section 88-114, Hawaii Revised Statutes.

SECTION 2. In accordance with article VII, section 9, of the Hawaii State Constitution, and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditures for fiscal year 2022-2023 to exceed the general fund expenditure ceiling by \$800,000,000, or 7.9 per cent. The general fund expenditure ceiling will be exceeded for the following reasons:

- (1) The appropriations made in this Act are necessary to serve the public interest; and
- (2) The appropriations made in this Act meet the needs addressed by this Act.

SECTION 3. (a) There shall be allowed to each qualifying resident taxpayer who files an individual income tax return for the 2021 taxable year, a one-time general income tax refund. The refund provided under this Act shall not be used to offset any tax liability under title 14, Hawaii Revised Statutes, of the qualifying resident taxpayer.

The amount of the refund shall be determined in accordance with the table below; provided that a married couple filing separate tax returns for the 2021 taxable year, for which a joint return could have been filed, shall only be eligible for the refund that they would have been eligible for had a joint return been filed; provided further that, for the purposes of the refund, multiple refunds shall not be allowed based on age or deficiencies in vision, hearing, or other disability.

Federal adjusted gross income for taxpayers filing a single return, married individuals filing separate returns, or head, of household	Refund per exemption
Under \$100,000	\$300
\$100,000 and over	\$100

Federal adjusted gross income for married couples filing joint returns and surviving spouses	Refund per exemption
Under \$200,000	\$300
\$200,000 and over	\$100

Each qualifying resident taxpayer may claim the general income tax refund multiplied by the number of qualified exemptions to which the taxpayer is entitled.

(b) As used in this Act, “qualifying resident taxpayer” means an individual taxpayer who has been a resident of the State, as defined in section 235-1, Hawaii Revised Statutes, for at least nine months regardless of whether the qualifying resident was physically in the State for nine months. “Qualifying resident taxpayer” shall not include any person who is claimed or is otherwise eligible to be claimed as a dependent by another taxpayer for federal or Hawaii state individual income tax purposes.

(c) The refund shall not be available for:

- (1) Any person who has been convicted of a felony and who has been committed to prison and has been physically confined for the full taxable year;
- (2) Any person who would otherwise be eligible to be claimed as a dependent but who has been committed to a youth correctional facility and has resided at the facility for the full taxable year; or
- (3) Any misdemeanant who has been committed to jail and has been physically confined for the full taxable year.

(d) The refund shall only be allowed for qualifying resident taxpayers who file a state income tax return for the 2021 taxable year on or before December 31, 2022. Failure to comply with this filing requirement shall constitute a waiver of the right to claim the refund provided under this Act.

(e) This Act implements the provisions of article VII, section 6, of the Hawaii State Constitution.

SECTION 4. In accordance with article VII, section 6, of the Hawaii State Constitution, there is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for deposit into the pension accumulation fund established under section 88-114, Hawaii Revised Statutes.

SECTION 5. In accordance with article VII, section 6, of the Hawaii State Constitution, there is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for deposit into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes.

SECTION 6. This Act shall take effect on July 1, 2022; provided that section 3 of this Act shall apply to taxable years beginning after December 31, 2020.

(Approved June 22, 2022.)

ACT 116

H.B. NO. 1586

A Bill for an Act Relating to Disaster Response.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii has always been vulnerable to natural disasters, including hurricanes, earthquakes, volcanic eruptions,

storm surges, tsunamis, and wildfires. The legislature further finds that over the years, various state departments and agencies have been affected by natural disasters and emergencies and have spent departmental funds to respond to incidents as necessary. Many departments apply for reimbursement for the costs of emergency response measures from the Federal Emergency Management Agency. Disaster reimbursement may take months or years, depending on the federal government. The delay in disaster reimbursements has resulted in the holding of federal reimbursement funds in the major disaster fund, rather than the funds being returned to the originating department or agency.

The purpose of this Act is to:

- (1) Clarify that federal funds received by the State for reimbursement of disaster-related expenses, except for federal funds received by the State to reimburse the department of education for disaster-related expenses, shall first be applied to the originating fund used by the department or agency for payment of disaster relief expenses; provided that if the original appropriation has lapsed, the funds shall be returned to the general fund; and
- (2) Require the administrator of the Hawaii emergency management agency to submit an annual report to the legislature on the status of federal reimbursement moneys for disaster response, and disaster response spending by each state department and agency.

SECTION 2. Section 127A-16, Hawaii Revised Statutes, is amended to read as follows:

“§127A-16 Major disaster fund. (a) The administrator shall submit requests to the legislature to appropriate from the general revenues of the State sufficient moneys as may be necessary for expenditure by or under the direction of the governor for immediate relief in response to an emergency or disaster in any part of the State; provided that:

- (1) The governor has issued a proclamation of a state of emergency;
- (2) The governor ~~may~~ shall not expend in excess of \$10,000,000 for immediate relief as a result of any single emergency or disaster; and
- (3) In addition to the funds in paragraph (2), an additional \$5,000,000 may be made available solely for the purpose of matching federal disaster relief funds when these funds become available to the State following a presidential disaster declaration.

In expending the moneys, the governor may allot any portion thereof to any agency, office, or employee of the State or a county for the most efficient relief for the population. Notwithstanding this subsection, the only exception to paragraphs (1), (2), and (3) is that the administrator may use up to \$250,000 per year to support the emergency management reserve corps.

(b) No later than sixty days after any allotment by the governor or the expenditure of any fund moneys, the administrator shall report to the legislature on the purpose of the allotment or expenditure.

(c) Except as provided in subsection (d), federal reimbursement moneys for disaster relief shall be deemed to be trust moneys and ~~may~~ shall be deposited into a trust account with and under the control of the Hawaii emergency management agency. ~~[These moneys and any interest earned thereon shall be used for the purpose identified in subsection (a) and shall not lapse to the general fund.]~~ Upon receipt by the Hawaii emergency management agency, these moneys shall be reimbursed to the originating fund of the expending agency; provided that if the original appropriation has lapsed, the funds shall be returned to the general fund.

(d) In cases in which the department of education expends the funds appropriated to the department for purposes deemed to be reimbursable by federal reimbursement moneys for disaster relief, the federal reimbursement moneys shall not lapse to the general fund and shall be credited directly to the department of education without regard to whether the original appropriation has lapsed. Such funds shall carry over in accordance with section 37-41.5(c).

(e) Any unspent funding under \$2,500,000 shall be rolled over to the next fiscal year to support future emergencies and disasters.

(f) Each state department and agency shall submit to the administrator no later than August 1 of each year a report of all funds expended, if any, for the prior fiscal year by the state department and agency for disaster response. The report shall include:

- (1) The source of funds, including the name and account number of the funding source;
- (2) The amount and purpose of each expenditure; and
- (3) Whether any programs, activities, or contracts were reduced as a result of disaster response spending by the state department and agency.

(g) The administrator shall submit an annual report to the legislature no later than September 1 of each year on:

- (1) The amount of federal reimbursement moneys for disaster response that the State could have applied for during the prior fiscal year. The report shall indicate the amount of federal reimbursement moneys for disaster response broken down by department and agency;
- (2) The amount of federal reimbursement moneys for disaster response that the State applied for and the amount received during the prior fiscal year. The report shall indicate the amount of federal reimbursement moneys for disaster response broken down by department and agency;
- (3) The justification for any difference in the amount of federal reimbursement moneys for disaster response that the State was eligible for and the amount the State applied for;
- (4) The average amount of time between the submittal of an application for a Federal Emergency Management Agency reimbursement and receipt of the funds;
- (5) The number of disaster accounts opened for the prior fiscal year; and
- (6) The information relating to the expenditure of funds that is reported by each state department and agency pursuant to subsection (f).”

SECTION 3. If any part of this Act is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, the conflicting part of this Act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this Act in its application to the agencies concerned. The rules under this Act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the State.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

A Bill for an Act Relating to Incarceration.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that once released from jails and prisons, individuals having arrest and conviction records face many barriers to success, including housing restrictions, workplace restrictions, and informal restrictions. Further, the problems associated with reentry and the high rate of recidivism among the formerly incarcerated population necessitate programs to divert individuals from pretrial detention and effectively assist the transition of formerly incarcerated individuals from jails and prisons to the community. As noted in the December 2018 “Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawaii Legislature”, “[e]ffective programs are essential for a successful rehabilitative system.”

The legislature further finds that an individual’s stay in a jail or prison costs the public between \$200 and \$400 per day, depending on the level of security measures required. These costs may be dramatically reduced through the implementation of reentry and reintegration programs.

Accordingly, the purpose of this Act is to reduce recidivism rates in the State and increase productivity in affected communities by appropriating funds for the development and maintenance of diversion, reentry, and rehabilitation services and programs within the State.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purchase of identification card machines to assist offenders while they are in the department of public safety’s custody and control in obtaining identifying documentation that is essential to their reentry upon release.

The sum appropriated shall be expended by the department of public safety for the purpose of this section.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the development and maintenance of community housing for parolees to support their reentry into the community and their rehabilitation.

The sum appropriated shall be expended by the Hawaii paroling authority for the purpose of this section.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$800,000 or so much thereof as may be necessary for fiscal year 2022-2023 for a forensic peer specialist program to assess and treat incarcerated individuals with behavioral, mental, and substance abuse issues.

The sum appropriated shall be expended by the department of health for the purpose of this section.

SECTION 5. The department of public safety, Hawaii paroling authority, and department of health shall each submit to the legislature, no later than twenty days prior to the convening of the regular session of 2024, a report of its respective findings and recommendations. Each report shall include the following information:

- (1) The manner in which funds received pursuant to this Act have been expended;

- (2) The particular service providers involved;
- (3) The number of persons who have been served;
- (4) A description of the services provided;
- (5) Measurable outcomes; and
- (6) Any proposed legislation.

SECTION 6. The appropriations made pursuant to sections 2, 3, and 4 of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all moneys from the appropriations unencumbered as of June 30, 2024, shall lapse as of that date.

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 118

S.B. NO. 3294

A Bill for an Act Relating to Reentry Planning Circles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that incarcerated individuals who participate in reentry planning circles before leaving prison have significantly lower recidivism rates. Reentry planning circles, or huikahi restorative circles, allow inmates, their families, and prison staff members to discuss and produce written transition plans for an individual leaving prison. The solution-based planning process emphasizes that inmates are responsible for their own choices and helps them develop detailed plans for obtaining housing, employment, and other necessities. The process also helps repair or establish familial or other close relationships and encourages inmates to make amends for their wrongdoings. The legislature recognizes that supportive relationships are vital for an inmate's successful reentry.

Accordingly, the purpose of this Act is to appropriate funding for reentry planning circles for incarcerated individuals.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2022-2023 for reentry planning circles for incarcerated individuals.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 119

H.B. NO. 2338

A Bill for an Act Relating to the State Drug and Alcohol Toxicology Testing Laboratory.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Act 196, Session Laws of Hawaii 2021 (Act 196), established the state drug and alcohol toxicology testing laboratory special fund to support a state drug and alcohol toxicology testing laboratory; specified that

moneys in the state highway fund may be expended for the cost of establishing a state drug and alcohol toxicology testing laboratory; required that fines imposed on offenders convicted of certain offenses involving operating a vehicle under the influence of an intoxicant be deposited into the state drug and alcohol toxicology testing laboratory special fund; and required the department of health to submit reports to the legislature on expenditures from the state drug and alcohol toxicology testing laboratory special fund.

Act 196 also provided that the state drug and alcohol toxicology testing laboratory special fund shall be abolished and repealed on June 30, 2026, and any unencumbered remaining balances shall lapse to the general fund. Act 196 did not appropriate moneys from the state highway fund to be deposited into the state drug and alcohol testing laboratory special fund, nor did Act 196 appropriate state drug and alcohol testing laboratory special funds for the establishment of a state drug and alcohol toxicology testing laboratory.

The purpose of this Act is to:

- (1) Appropriate moneys from the state highway fund to the department of health's state drug and alcohol toxicology testing laboratory special fund for fiscal year 2022-2023; and
- (2) Authorize the department of health to expend funds from the state drug and alcohol toxicology testing laboratory special fund for the establishment of the state drug and alcohol toxicology testing laboratory.

SECTION 2. There is appropriated out of the state highway fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the state drug and alcohol toxicology testing laboratory special fund established by Act 196, Session Laws of Hawaii 2021.

SECTION 3. There is appropriated out of the state drug and alcohol toxicology testing laboratory special fund the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of a state drug and alcohol toxicology testing laboratory, including the costs of laboratory instrumentation, facility renovation and security upgrades, office furniture and supplies, laboratory equipment, and other purposes that support a state drug and alcohol toxicology testing laboratory.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. Any provision of this Act to the contrary notwithstanding, the appropriation authorized under this Act shall not lapse at the end of the fiscal year for which the appropriation is made. Any unexpended and unencumbered balance of the appropriation made in this Act as of the close of business on June 30, 2023, shall lapse back to the credit of the state highway fund.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 120

H.B. NO. 2339

A Bill for an Act Making an Emergency Appropriation to the State Drug and Alcohol Toxicology Testing Laboratory Special Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, section 9, of the Constitution of the State of Hawaii.

SECTION 2. Act 196, Session Laws of Hawaii 2021 (Act 196), established the state drug and alcohol toxicology testing laboratory special fund to support a state drug and alcohol toxicology testing laboratory; specified that moneys in the state highway fund may be expended for the cost of establishing a state drug and alcohol toxicology testing laboratory; required that fines imposed on offenders convicted of certain offenses involving operating a vehicle under the influence of an intoxicant be deposited into the state drug and alcohol toxicology testing laboratory special fund; and required the department of health to submit reports to the legislature on expenditures from the state drug and alcohol toxicology testing laboratory special fund.

Act 196 also provided that the state drug and alcohol toxicology testing laboratory special fund shall be abolished and repealed on June 30, 2026, and any unencumbered remaining balances shall lapse to the general fund. Act 196 did not appropriate moneys from the state highway fund to be deposited into the state drug and alcohol toxicology testing laboratory special fund, nor did Act 196 appropriate state drug and alcohol testing laboratory special funds for the establishment of a state drug and alcohol toxicology testing laboratory.

The purpose of this Act is to:

- (1) Make an emergency appropriation from the state highway fund to the department of health's state drug and alcohol toxicology testing laboratory special fund for fiscal year 2021-2022; and
- (2) Authorize the department of health to expend funds from the state drug and alcohol toxicology testing laboratory special fund for the establishment of the state drug and alcohol toxicology testing laboratory.

SECTION 3. There is appropriated out of the state highway fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 to be deposited into the state drug and alcohol toxicology testing laboratory special fund established by Act 196, Session Laws of Hawaii 2021.

SECTION 4. There is appropriated out of the state drug and alcohol toxicology testing laboratory special fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 for the establishment of a state drug and alcohol toxicology testing laboratory, including the costs of laboratory instrumentation, facility renovation and security upgrades, office furniture and supplies, laboratory equipment, and other purposes that support a state drug and alcohol toxicology testing laboratory.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. Any provision of this Act to the contrary notwithstanding, the appropriation authorized under this Act shall not lapse at the end of the fiscal year for which the appropriation is made. Any unexpended and unencumbered balance of the appropriation made in this Act as of the close of business on June 30, 2023, shall lapse back to the credit of the state highway fund.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 121

H.B. NO. 2515

A Bill for an Act Relating to the Department of Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§321- Testing laboratory; diseases; air and water quality. (a) The department shall:

- (1) Establish and operate a laboratory capable of:
 - (A) Testing for diseases;
 - (B) Testing for air and water quality issues; and
 - (C) Conducting other high complexity testing; and
- (2) Ensure that the testing laboratory complies with all applicable standards enumerated in the Clinical Laboratories Improvement Amendments of 1988, title 42 United States Code section 263a.
- (b) The department may obtain and expend federal moneys for the operation of the testing laboratory established pursuant to this section.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 122

S.B. NO. 152

A Bill for an Act Relating to Child Passenger Restraints.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 291-11.5, Hawaii Revised Statutes, is amended to read as follows:

“§291-11.5 **Child passenger restraints.** (a) Except as otherwise provided in this section, no person operating a motor vehicle on a public highway in the State shall transport a child under [~~eight~~] ten years of age except under the following circumstances:

- (1) If the child is under two years of age, the person operating the motor vehicle shall ensure that the child is properly restrained in a rear-facing child passenger restraint system with harness that meets federal motor vehicle safety standards at the time of its manufacture;
- (+)(2) If the child is [~~under~~] two years of age or older, but less than four years of age, the person operating the motor vehicle shall ensure that the child is properly restrained in a rear-facing or forward-facing child passenger restraint system with harness that meets federal motor vehicle safety standards at the time of its manufacture; [~~or~~]
- (2)(3) If the child is four years of age or older but less than [~~eight~~] ten years of age, the person operating the motor vehicle shall ensure

that the child is properly restrained in a child [safety seat] passenger restraint system with harness or booster seat that meets federal motor vehicle safety standards at the time of its manufacture; except as provided in paragraph ~~[(3); and] (4); or~~

~~[(3)] (4)~~ If the child is ~~[four] seven~~ years of age or older but less than ~~[eight] ten~~ years of age, the person operating the motor vehicle shall be exempt from ~~[properly]~~ restraining the child in a child [safety seat] passenger restraint system with harness or booster seat that meets federal motor vehicle safety standards at the time of manufacture if the child is correctly restrained by a lap and shoulder seat belt assembly ~~[and:~~

~~(A) Over]; provided that the child is over four feet and nine inches in height[; or~~

~~(B) Over forty pounds and traveling in a motor vehicle equipped only with lap belts, without shoulder straps, in the back seat].~~

(b) Operators of the following motor vehicles shall be exempt from the requirements of this section: emergency, commercial, and mass transit vehicles. Further exemptions from this section may be established by the department of transportation pursuant to rules adopted under chapter 91.

~~(c) This section shall not apply if the number of persons in a vehicle exceeds the greater of the following:~~

~~(1) The number of seat belt assemblies available in the vehicle; or~~

~~(2) The number of seat belt assemblies originally installed in the vehicle; provided that all available seat belt assemblies are being used to restrain a passenger, and those children not restrained by an approved child passenger restraint system, a child safety seat, a booster seat, or a seat belt assembly are in the back seat of the motor vehicle.~~

~~(d) In no event shall failure to restrain a child under the age of eight years as required by this section be considered contributory negligence, comparative negligence, or negligence per se.~~

~~(e) (c)~~ Violation of this section shall be considered an offense as defined under section 701-107(5) and shall subject the violator to the following penalties:

(1) For a first conviction, the person shall:

(A) Be fined not more than \$100;

(B) Be required by the court to attend a child passenger restraint system safety class ~~[conducted]~~ approved by the judiciary's division of driver education; provided that:

(i) The class may include video conferences as determined by the administrator of the division of driver education as an alternative method of education; and

(ii) The class shall not exceed four hours;

(C) Pay a \$50 driver education assessment as provided in section 286G-3;

(D) Pay a \$10 surcharge to be deposited into the neurotrauma special fund; and

(E) Pay up to a \$10 surcharge to be deposited into the trauma system special fund if the court so orders;

(2) For a conviction of a second offense committed within three years of any other conviction under this section, the person shall:

(A) Be fined not less than ~~[\$100] \$250~~ but not more than ~~[\$200;] \$500;~~

(B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length ~~[conducted]~~

- ed] approved by the judiciary's division of driver education if the person has not previously attended such a class;
- (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger restraint system safety class [~~conducted~~] approved by the judiciary's division of driver education;
 - (D) Pay a \$10 surcharge to be deposited into the neurotrauma special fund; and
 - (E) Pay up to a \$10 surcharge to be deposited into the trauma system special fund if the court so orders; and
- (3) For a conviction of a third or subsequent offense committed within three years of any other conviction under this section, the person shall:
- (A) Be fined not less than [~~\$200~~] \$500 but not more than [~~\$500;~~] \$800;
 - (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length [~~conducted~~] approved by the judiciary's division of driver education if the person has not previously attended such a class;
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger restraint system safety class [~~conducted~~] approved by the judiciary's division of driver education;
 - (D) Pay a \$10 surcharge to be deposited into the neurotrauma special fund; and
 - (E) Pay up to a \$10 surcharge to be deposited into the trauma system special fund if the court so orders.

[~~(f)~~] (d) As used in this section:

“Commercial vehicle” means any motor vehicle that is being used for the transportation of persons for hire, compensation, or profit.

“Emergency vehicle”, “mass transit vehicle”, “restrained”, and “seat belt assembly” shall have the same meaning as provided in section 291-11.6.”

SECTION 2. Section 291-11.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise provided by law, no person shall operate a motor vehicle upon any public highway unless the person is restrained by a seat belt assembly and all passengers in the front or back seat of the motor vehicle are restrained by a seat belt assembly or are restrained pursuant to section 291-11.5 if they are under [~~eight~~] ten years of age.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 123

S.B. NO. 2008

A Bill for an Act Relating to Highways.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there are numerous roads throughout the State that are privately owned. Although these roads are often used by the public, the public may not realize that the road is not owned by a governmental agency. This creates difficulties when individuals seek to have a private road repaired. The legislature sought to address the situation by passing Act 194, Session Laws of Hawaii of 2016, which, among other things, expanded the State's and counties' authority to condemn private roads and exempted the State and counties from requirements to maintain or improve condemned roads for a three-year period. Further legislation is now needed to reduce impediments to state and county condemnation of private lanes so that the predicament of private lanes does not endure.

The purpose of this Act is to:

- (1) Clarify that the State and counties may only be held jointly and severally liable for acts or omissions relating to a condemned highway or trail that occurred after condemnation; and
- (2) Allow the State and counties to utilize flexibility in highway design regarding any condemned highway.

SECTION 2. Section 264-1, Hawaii Revised Statutes, is amended to read as follows:

“§264-1 Public highways and trails. (a) All highways, roads, [~~highways,~~] alleys, streets, ways, lanes, bikeways, bridges, and all other real property [~~highway-related~~] highway-related interests in the State, opened, laid out, subdivided, consolidated, and acquired and built by the government are declared to be public highways. Public highways are of two types:

- (1) State highways, which are those lands, interests, or other real property rights, as defined above, having an alignment or possession of a real property [~~highway-related~~] highway-related interest as established by law, subdivided and acquired in accordance with policies and procedures of the department of transportation, separate and exempt from any county subdivision ordinances, and all those under the jurisdiction of the department of transportation; and
 - (2) County highways, which are all other public highways.
- (b) All trails, and other nonvehicular rights-of-way in the State declared to be public rights-of-ways by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as nonvehicular public rights-of-way at any time thereafter, or in the future, are declared to be public trails. A public trail is under the jurisdiction of the state board of land and natural resources unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county.

(c) All highways, roads, alleys, streets, ways, lanes, bikeways, bridges, and trails in the State, opened, laid out, or built by private parties and dedicated or condemned to the public use, are declared to be public highways or public trails as follows:

- (1) Dedication of public highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails shall be by deed of conveyance naming the State as grantee in the case of a state highway, road, alley, street, way, lane, bikeway, bridge, or trail and naming the county

as grantee in the case of a county highway, road, alley, street, way, lane, bikeway, bridge, or trail. The deed of conveyance shall be delivered to and accepted by the director of transportation in the case of a state highway, road, alley, street, way, lane, bikeway, or bridge, or the board of land and natural resources in the case of a state trail. In the case of a county highway, road, alley, street, way, lane, bikeway, bridge, or [county] trail, the deed shall be delivered to and accepted by the legislative body of a county; provided that in every case where the highway, road, alley, street, way, lane, bikeway, bridge, or [county] trail is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution thereof having the effect of law, the legislative body of the county shall accept the dedication of the same without exercise of discretion; and

- (2) Condemnation of public highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails initiated by the State or county pursuant to chapter 101[.] shall be by final order of condemnation by a court; provided that any private owner of a highway, road, alley, street, way, lane, bikeway, bridge, or trail may petition the mayor of the county in which the highway, road, alley, street, way, lane, bikeway, bridge, or trail is located to initiate condemnation proceedings if the highway, road, alley, street, way, lane, bikeway, bridge, or trail is part of a public road, ownership has not been exercised by limiting use or access, or the State or county has provided some form of maintenance to the highway, road, alley, street, way, lane, bikeway, bridge, or trail in the interest of the public; provided further that a private owner may only petition the mayor of a county after the dissolution of the roads commission established by Act 194, Session Laws of Hawaii 2016; provided further that in every case where the highway, road, alley, street, way, lane, bikeway, bridge, or trail is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution thereof having the effect of law at the time of construction and completion, the highway, road, alley, street, way, lane, bikeway, bridge, or trail shall be exempt from meeting the construction standards in place at the time of condemnation by the State or county.

(d) If a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail [~~is deemed to have~~] has been [~~dedicated to or~~] condemned by the State or county pursuant to subsection (c), the State or county shall be exempt for a period of three years from any state laws or rules adopted pursuant thereto that would require the State or county to perform construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation upon it. The State and counties may only be held jointly and severally liable for acts or omissions that occurred after the condemnation of a highway, road, alley, street, way, lane, bikeway, bridge, or trail.

(e) All county public highways and trails once established shall continue until vacated, closed, abandoned, or discontinued by a resolution of the legislative body of the county wherein the county highway or trail lies. All state trails once established shall continue until lawfully disposed of pursuant to the requirements of chapter 171.

(f) A privately owned highway, road, alley, street, way, lane, bikeway, or bridge that has been condemned by the State or county pursuant to subsection (c) may be accorded flexibility in design, including limitations of liability, pur-

suant to section 264-20, in consideration of the unique nature and limitations associated with property dedicated or condemned to public use.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 124

H.B. NO. 2336

A Bill for an Act Relating to the Photo Red Light Imaging Detector Systems Program.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. Section 291C-32, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, [~~are~~] and actively monitored by an official photo red light imaging detector system, all registered owners of all motor vehicles in vehicular traffic at the intersection shall be held strictly liable for the motor vehicle’s compliance with the traffic-control signal, to the extent that registered owners may be cited and held accountable for non-compliance via civil traffic infractions pursuant to chapter 291J. The traffic-control signal lights shall apply to the registered owners [~~and~~] of motor vehicles as follows:

(1) Steady red indication:

- (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in the next succeeding paragraphs.
- (B) Vehicular traffic that is stopped in obedience to a steady red indication may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that counties by ordinance may prohibit any such right turn against a steady red indication, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.
- (C) Vehicular traffic on a one-way street that intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into said one-way street, but shall yield right-of-way to pedestrians, proceeding as directed by the signal at said intersection except that counties by ordinance may prohibit any

such left turn as above described which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

- (2) To the extent a registered owner’s motor vehicle fails to comply with any other law or ordinance related to traffic-control signals, including subsection (a)(1) or (2), the registered owner of a motor vehicle shall not be held strictly liable unless otherwise provided by law.”

SECTION 2. Section 291J-1, Hawaii Revised Statutes, is amended by amending the definition of “photo red light imaging detector” to read as follows:

““Photo red light imaging detector” or “photo red light imaging detector system” means a device, or combination of devices, used for traffic enforcement pursuant to section 291C-32(c), that includes a vehicle sensor [~~that works~~] working in conjunction and synchronization with a traffic-control signal and a camera [~~synchroized~~], to automatically produce and record one or more sequenced photographs, microphotographs, video, or [~~electronic images~~] other recorded images of the rear of the motor vehicle and motor vehicle license plate, at the time the motor vehicle fails to stop when facing a steady red traffic-control signal [~~in violation of section 291C-32(e)~~].”

SECTION 3. Section 291J-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) During the first thirty days of operation of an individual photo red light imaging detector system at a particular traffic signal, a warning shall be issued for any violation of section 291C-32(c), and mailed to the registered owner of the motor vehicle at the address on record [~~as~~] at the vehicle licensing division, in lieu of a summons or citation pursuant to section 291J-6.”

SECTION 4. Section 291J-5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Proof of a violation of section 291C-32(c) shall be as evidenced by information obtained from the photo red light imaging detector system authorized pursuant to this chapter. A certificate, sworn to or affirmed by the reviewing police department, or a facsimile thereof, based upon inspection of photographs, microphotographs, [~~videotape,~~] video, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, [~~videotape,~~] video, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for that violation.”

SECTION 5. Section 291J-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§291J-6]]~~ **Summons or citations.** (a) Notwithstanding any law to the contrary, and except for the time period allowed pursuant to ~~[[section]]~~ 291J-4(e), beginning January 1, 2021, whenever any motor vehicle is determined, by means of a photo red light imaging detector system, to have disregarded a steady red signal in violation of section 291C-32(c), the State’s or county’s third party contractor shall cause a summons or citation, as described in this section, to be sent by first class mail [~~that is postmarked within ten calendar days after the date of the incident,~~] to the registered owner of the motor vehicle [~~at the address on record at the vehicle licensing division~~]. The summons or citation shall be mailed to the registered owner’s address on record at the vehicle licensing division and postmarked within ten calendar days after the date of the incident. If the end of the ten calendar day period falls on a Saturday, Sunday, or holiday,

then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.

(b) The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the summons or citation valid within the laws of the State; provided that any summons or citation issued pursuant to the photo red light imaging detector systems program shall contain a clear and unobstructed [photographic, digital, or other visual] image of the motor vehicle license plate, which shall be used as evidence of the violation.

(c) Every summons or citation shall be consecutively numbered and each copy thereof shall bear the number of its respective original.

(d) Prior to the mailing of the summons or citation for a traffic infraction pursuant to subsection (a), the applicable county police department shall review and verify the [validity of the] clear and unobstructed [photographic, digital, or other visual] image of the license plate of the motor vehicle required under section 291J-6(b).

(e) Upon receipt of the summons or citation the registered owner shall [respond] answer as provided for in [chapter 291D.] section 291D-6. A record of the mailing of the summons or citations prepared in the ordinary course of business is prima facie evidence of notification. The registered owner shall be determined by the identification of the motor vehicle license plate.

(f) Procedures regarding answering, court hearings, and court actions shall be pursuant to sections 291D-6, 291D-7, 291D-8, and 291D-13; provided that it shall not be a defense of any citation issued under this chapter that another person was driving the defendant's motor vehicle at the time of incident, unless the motor vehicle was stolen as documented by a police report; provided further that any reference to the defendant's commission of the traffic infraction or similar language shall be interpreted to mean commission of the traffic infraction.

SECTION 6. Section 291J-7, Hawaii Revised Statutes, is amended to read as follows:

“[§291J-7] Registered owner's responsibility for a summons or citation. [(a)] In any proceeding for a violation of this chapter, the information contained in the summons or citation, mailed in accordance with section 291J-6, shall be deemed prima facie evidence that a violation of section 291C-32(c) occurred. [If the registered owner does not rebut the evidence presented in this subsection by presenting one or more of the defenses listed in subsection (b), the] The registered owner shall be strictly liable for a violation of section 291C-32(c).

[(b)] The registered owner of the motor vehicle may present evidence to rebut the evidence in subsection (a) by any one of the following:

- (1) Submitting a written statement as provided in section 291D-6(b)(2);
- (2) Testifying in open court under oath that the person named in the summons or citation was not the registered owner of the motor vehicle at the time of the alleged violation;
- (3) Calling witnesses to testify in open court under oath that the person named in the summons or citation was not the registered owner of the motor vehicle at the time of the alleged violation;
- (4) Submitting evidence that the motor vehicle passed through the intersection when the traffic light was red in order to yield the right-of-way to an emergency vehicle;

- (5) ~~Submitting evidence that the motor vehicle was part of a funeral procession escorted by the police;~~
- (6) ~~Presenting, prior to the return date established on the citation or summons issued pursuant to this chapter, a letter of verification of loss from the police department indicating that the motor vehicle or the motor vehicle license plates had been reported stolen, to the court adjudicating the alleged violation; or~~
- (7) ~~Submitting evidence that the motor vehicle passed through the intersection at the direction of a law enforcement officer.]”~~

SECTION 7. Section 291J-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All fines collected under this chapter shall be deposited into the photo red light imaging detector systems program special fund. Moneys in the fund shall be expended by the department in the county in which the fine was imposed, for purposes that include the establishment, ~~[implementation,] operation, oversight, repair, and maintenance of a photo red light imaging detector system[.]~~ and implementation of the photo red light imaging detector system program.”

PART II

SECTION 8. Act 30, Session Laws of Hawaii 2020, sections 9 and 10, as amended by section 1 of Act 133, Session Laws of Hawaii 2021, are amended to read as follows:

“SECTION 9. There is appropriated out of the state highway fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2020-2021; \$400,000 or so much as may be necessary for fiscal year 2021-2022; and \$400,000 or so much as may be necessary for fiscal year 2022-2023 to be deposited into the photo red light imaging detector systems program special fund.

SECTION 10. There is appropriated out of the photo red light imaging detector systems program special fund the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2020-2021; \$400,000 or so much as may be necessary for fiscal year 2021-2022; and \$400,000 or so much as may be necessary for fiscal year 2022-2023 for purposes of establishing the photo red light imaging detector systems pilot program; provided that the moneys appropriated for fiscal year 2020-2021, fiscal year 2021-2022, and fiscal year 2022-2023 shall not lapse at the end of that fiscal year; provided further that all moneys appropriated for fiscal year 2020-2021, fiscal year 2021-2022, and fiscal year 2022-2023 that are unexpended or unencumbered as of June 30, ~~[2022,] 2025,~~ shall lapse to the credit of the photo red light imaging detector systems special fund.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act; provided that the department of transportation shall ~~[expend \$112,602] transfer \$125,779 in [fiscal year 2021-2022,] fiscal year 2022-2023, [and] fiscal year 2023-2024 [for the funding of one permanent full-time (1.0 FTE) deputy prosecuting attorney position within], and fiscal year 2024-2025~~ to the department of the prosecuting attorney of the city and county of Honolulu. The department of the prosecuting attorney shall expend these funds exclusively for personnel costs related to the photo red light imaging detector systems program; provided that any remaining balances in any of the fiscal years shall be returned to the department of transportation.”

PART III

SECTION 9. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

SECTION 11. This Act shall take effect upon its approval; provided that part II shall take effect retroactive to June 30, 2021.

(Approved June 27, 2022.)

ACT 125

H.B. NO. 1741

A Bill for an Act Relating to Children and Family of Incarcerated Individuals.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the National Resource Center on Children and Families of the Incarcerated reports that on any given day, an estimated 2,700,000 children in America have at least one parent in prison or jail. A 2014 study by the University of California - Irvine shows that significant health problems and behavioral issues were associated with children of incarcerated parents, and that parental incarceration may be more harmful to children's health than divorce or death of a parent. Furthermore, it is evidenced that children of incarcerated parents are more likely to become incarcerated themselves as teenagers or adults, thus continuing the cycle of incarceration that becomes generational in some families, and sadly, a reality for many in the State.

The legislature further finds that children of incarcerated parents are some of the nation's most vulnerable and marginalized populations. Parental incarceration is noted as being a strong risk factor and determinant for many adverse outcomes for children, including antisocial and violent behavior, mental health problems, failure to graduate from school, and unemployment. Parental incarceration is nationally recognized under "adverse childhood experiences" by Kaiser Permanente, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration and is distinguished from other adverse childhood experiences by the unique combination of trauma, shame, and stigma.

The legislature finds that Hawaii organizations that serve children and families affected by parental incarceration have developed a myriad of services aimed at this population; however, there continue to be major gaps in service, particularly because funding for these programs has never been established as a priority. One reason is that data on children of incarcerated parents have not been available. The absence of data means that there is insufficient evidence available to illustrate and justify the extent of the problem in Hawaii. This is especially true for service providers who receive federal funding to assist children and families to break the cycle of incarceration.

In January 2014, the legislature's keiki caucus established the family reunification working group to explore issues surrounding children and families impacted by incarceration. The group comprised representatives from several organizations and service providers, including Blueprint for Change; Hawaii

Prisoners Resource Center, dba Holomua Center; the office of Hawaiian affairs; ALU LIKE, Inc.; Queen Liliuokalani Children's Center; Keiki O Ka Aina Learning Centers; Family Programs Hawaii; Adult Friends for Youth; Community Alliance on Prisons; TJ Mahoney/Ka Hale Hoala Hou No Na Wahine; Chaminade University's Native Hawaiian Program; and Makana o Ke Akua Clean and Sober Living. It also included parents of children who have been affected by incarceration. The group established two immediate priorities to work on: a database of children in Hawaii impacted by incarceration and a one-stop resource center for these children and their families. Act 16, Session Laws of Hawaii 2015, required the department of public safety to begin collecting data at the point of intake on the number of minor children under the age of eighteen from each incarcerated parent. Based on this data, in Hawaii there are approximately four thousand children a year affected by parental incarceration.

Furthermore, the legislature finds that the prison environment can be frightening and traumatizing for children, both in the attitudes and behaviors of prison staff and the harshness of the physical setting of visitation sites. Visits can include long waits, body frisks, rude treatment, and exposure to crowded visiting rooms with no activities for children. Those conditions do not encourage frequent visits between incarcerated parents and their children. Studies suggest the maintenance of family ties and parent-child relationships is linked to post-release success, lower rates of recidivism, and fewer parole violations; therefore, visitation should be encouraged.

To address problems with visitation and family support, the keiki caucus introduced, and the legislature adopted, House Concurrent Resolution No. 205 (2019) and Senate Concurrent Resolution No. 7, S.D. 1 (2019). These resolutions requested the department of human services, in consultation with the department of public safety, to work with the family reunification working group and other stakeholders to develop a plan to establish children-friendly and family-friendly visitation centers at all state correctional facilities to ensure the well-being of children of incarcerated parents and their families. A working group was convened in August 2019 and after several meetings the group developed a proposal calling for the establishment of a pilot visitation and family resource project to be located at Waiawa correctional facility in Waipahu on Oahu.

The working group found that there are working models that can be emulated and referenced for effectiveness and applicability. One successful example is the visitation center program established in California by the non-profit organization Friends Outside that is funded by the California department of corrections and rehabilitation under legislative mandate. The primary purpose of those visitation centers is to remove barriers and facilitate family visitation to strengthen and reunify families with an emphasis on the well-being of the child. California's visitation centers are located on prison grounds but outside the prison walls and staffed with employees trained to educate children on their parents' incarceration through age-appropriate means, inform children and families of prison and jail policies to ensure they work with their incarcerated loved ones to abide by and uphold state rules and regulations, connect children and families with resources in the community, and facilitate incarcerated parent-child relationships by addressing trauma during the period of incarceration. California's visitation centers serve as a one-stop shop for the children and families, which also help to alleviate demands on the corrections department.

The legislature finds that the establishment of family visitation and resource centers is in the best interest and well-being of children and, as studies suggest, may have many benefits for the incarcerated parent and other family members, the community, and the State.

The purpose of this Act is to:

- (1) Acknowledge adverse experiences faced by children of incarcerated parents;
- (2) Encourage continued efforts and engagement between the department of human services, department of public safety, family reunification working group, and other community stakeholders to find ways to improve visitation at state correctional facilities;
- (3) Require the department of human services to work with the department of public safety, family reunification working group, and other entities serving children and families affected by parental incarceration to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu that has trauma-informed professionals on its staff who serve as liaisons and hookele for families affected by incarceration; and
- (4) Appropriate funds necessary to establish, develop, and implement the pilot visitation and family resource center.

SECTION 2. (a) The department of human services shall continue to lead a working group to address visitation and support needs of children and families of incarcerated individuals pursuant to House Concurrent Resolution No. 205 (2019) and Senate Concurrent Resolution No. 7, S.D. 1 (2019).

(b) The working group shall determine the anticipated initial and annual costs to run a sustainable pilot visitation and family resource center at Waiawa correctional facility on Oahu.

(c) Beginning August 1, 2022, the department of human services shall work with the department of public safety, family reunification working group, and other entities serving children and families affected by parental incarceration to establish a pilot visitation and family resource center at Waiawa correctional facility on Oahu.

(d) The pilot visitation and family resource center shall be operated by a non-profit organization contracted by the department of human services in cooperation with the department of public safety and other community stakeholders. The staff of the pilot visitation and family resource center shall include trauma-informed professionals who shall serve as liaisons and hookele for families affected by incarceration.

(e) The working group shall be exempt from part I of chapter 92, Hawaii Revised Statutes.

(f) The working group shall submit a report of its findings and recommendations, including any proposed legislation and the estimated costs under subsection (b), to the legislature no later than twenty days prior to the convening of the regular session of 2023.

(g) The working group shall cease to exist on January 31, 2023; provided that the department of human services may continue the work of the working group beyond January 31, 2023, if the department deems it necessary.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$305,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of a pilot visitation and family resource center at Waiawa correctional facility on Oahu.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$115,000 or so much thereof as may be necessary

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for fiscal year 2022-2023 for the establishment of a pilot visitation and family resource center at Waiawa correctional facility on Oahu.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 126

H.B. NO. 2141

A Bill for an Act Relating to Reports to the Legislature for the Department of Human Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to delete outdated or obsolete reporting requirements of the department of human services and office of youth services.

SECTION 2. Section 346-59.9, Hawaii Revised Statutes, is amended to read as follows:

“§346-59.9 Psychotropic medication. (a) This section shall apply only to the medicaid managed care and fee-for-service programs administered by the department when the department or the department’s contracted health plan is the primary insurer. When the department is the secondary insurer, the department and its contracted health plans shall be responsible only for the secondary insurer’s share of any psychotropic medication covered by the primary insurer.

(b) The department and its contracted health plans shall not impose any restriction or limitation on the coverage for, or a recipient’s access to, anti-psychotic medication.

(c) The department and its contracted health plans shall not impose any restriction or limitation on the coverage for, or a recipient’s access to, antidepressant medication other than:

- (1) Requiring that an individual must have two failed attempts on a generic antidepressant medication to receive coverage for a new brand-name antidepressant prescription; and
- (2) Requiring that if an individual does not have two failed attempts on a generic antidepressant medication, that individual shall receive coverage for a brand-name antidepressant medication with prior authorization by the contracted health plan; provided that while a prior authorization request for a brand-name antidepressant medication submitted by the prescriber is pending, a supply of the prescribed medication sufficient to last until the request is resolved shall be covered if requested by the prescriber.

For purposes of this subsection, a “failed attempt” means that the prescribed generic antidepressant medication up to the maximum FDA-approved dosage is not effective in treating the individual, or the individual’s compliance is compromised due to the side effects caused by the medication.

(d) The department and its contracted health plans shall not impose any restriction or limitation on the coverage for, or a recipient’s access to, anti-anxiety medication other than:

- (1) Requiring that an individual must have two failed attempts on a generic anti-anxiety medication to receive coverage for a new brand-name anti-anxiety prescription; and
- (2) Requiring that if an individual does not have two failed attempts on a generic anti-anxiety medication, that individual shall receive coverage for a brand-name anti-anxiety medication with prior authorization by the contracted health plan; provided that while a prior authorization request for a brand-name anti-anxiety medication submitted by the prescriber is pending, a supply of the prescribed medication sufficient to last until the request is resolved shall be covered if requested by the prescriber.

For purposes of this subsection, a “failed attempt” means that the prescribed generic anti-anxiety medication up to the maximum FDA-approved dosage is not effective in treating the individual, or the individual’s compliance is compromised due to the side effects caused by the medication.

(e) The department and its contracted health plans shall not require any individual stable on a brand-name antidepressant medication on or before July 1, 2010, to transfer to a different antidepressant medication, generic or brand-name, unless the individual’s condition becomes unstable and requires the medication to be replaced.

(f) The department and its contracted health plans shall not require any individual stable on a brand-name anti-anxiety medication on or before July 1, 2010, to transfer to a different anti-anxiety medication, generic or brand-name, unless the individual’s condition becomes unstable and requires the medication to be replaced.

(g) The department and its medicaid managed care contracted health plans shall have the authority to investigate fraud, abuse, or misconduct.

~~[(h) The department shall report to the legislature no later than twenty days before the convening of each regular session on:~~

- ~~(1) The number of brand-name and generic prescriptions written to which this section applies; and~~
- ~~(2) The amount expended on brand-name prescriptions and the amount expended on generic prescriptions written each fiscal year to which this section applies.~~

~~(h)~~ (h) All psychotropic medications covered by this section shall be prescribed by a psychiatrist, a physician, or an advanced practice registered nurse with prescriptive authority under chapter 457 and duly licensed in the State.

~~[(i)]~~ (i) As used in this section:

“Anti-anxiety medication” means those medications included in the United States Pharmacopeia’s anxiolytic therapeutic category.

“Antidepressant medication” means those medications included in the United States Pharmacopeia’s antidepressant therapeutic category.

“Antipsychotic medication” means those medications included in the United States Pharmacopeia’s antipsychotic therapeutic category.

“Psychotropic medication” means only antipsychotic, antidepressant, or anti-anxiety medications approved by the United States Food and Drug Administration for the treatment of mental or emotional disorders.”

SECTION 3. Section 346-54, Hawaii Revised Statutes, is repealed.

SECTION 4. Act 281, Session Laws of Hawaii 2006, is amended by repealing section 6.

~~["SECTION 6.—The office of youth services, the department of education, and the counties' parks and recreation departments shall convene annually to share information on the best practices and outcomes. The office of youth services shall submit to the legislature an annual report on the programs funded under this Act no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2007."]~~

SECTION 5. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 127

S.B. NO. 2857

A Bill for an Act Relating to Child Wellness.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) There is established a five-year child wellness incentive pilot program within the department of human services to ensure the health of children in Hawaii, including early detection of potential illnesses.

(b) The pilot program shall pay \$50 to each state medicaid benefit recipient for each completed well-child examination of that recipient parent's child; provided that only one payment may be made per child each year.

(c) The department of human services shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to carry out the purpose of this Act, including the schedule of routine well-child examinations and the process by which recipient parents may apply for program payments.

(d) The department of human services shall submit a report of its findings and recommendations, including any proposed legislation, regarding the child wellness incentive pilot program to the legislature no later than twenty days prior to the convening of the regular session of 2027. The report shall include the effect of the pilot program on the number of well-child examinations performed for children of state medicaid benefit recipients and a recommendation of whether the pilot program should be continued, modified, or terminated.

(e) For the purposes of this Act:

“Child” means an unmarried individual who is under eighteen years of age. “Child” includes a stepchild and an adopted child.

“Pilot program” means the five-year child wellness incentive pilot program established by this Act.

“Well-child examination” means a routine examination of a child performed by a licensed health care professional as part of preventive pediatric care that includes a review of the child’s family-centered health history; a physical examination; immunizations; a vision and hearing screening; a developmental and behavioral assessment; an oral health risk assessment; a social assessment; parenting education on a range of topics; and care coordination, as needed. “Well-child examination” includes well-child visits, well-care visits, and well-care checkups.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,516,000 or so much thereof as may be necessary for fiscal year 2022-2023 to establish, implement, and operate the child wellness incentive pilot program.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022, and shall be repealed on June 30, 2027.

(Approved June 27, 2022.)

ACT 128

S.B. NO. 3110

A Bill for an Act Relating to Child Care Grant Programs of the Department of Human Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to:

- (1) Rename the preschool grant program special fund as the child care grant program special fund;
- (2) Authorize the child care grant program special fund to be used to give grants to child care facilities;
- (3) Change the date by which reports for the preschool open doors special fund and the child care grant program special fund must be submitted to the legislature from August 31 to twenty days prior to the convening of the regular legislative session; and
- (4) Remove the authority to expend funds without an appropriation from the preschool open doors special fund and child care grant program special fund statutes to conform to section 5 of article VII of the Hawaii State Constitution.

SECTION 2. Section 346-182, Hawaii Revised Statutes, is amended to read as follows:

“[§346-182] Preschool open doors special fund. (a) There is established within the state treasury the preschool open doors special fund, to be administered by the department’s child care assistance program, into which shall be deposited all moneys received by the department’s child care assistance program in the form of:

- (1) Fees;
- (2) Grants;
- (3) Donations;
- (4) Appropriations made by the legislature to the fund; ~~[and]~~
- (5) Revenues regardless of their source[;]; and ~~[earnings]~~
- (6) Earnings on moneys in the fund.

Moneys in the fund shall be used for the procurement of health and human services under the preschool open doors program. Expenditures from the fund may be made by the department without ~~[appropriation or]~~ allotment but shall not be made for capital improvement projects.

(b) The department shall submit an annual report to the legislature, no later than ~~[August 31,]~~ twenty days prior to the convening of each regular session, on the sources of moneys deposited into the fund and expenditures of moneys in the fund.”

SECTION 3. Section 346-183, Hawaii Revised Statutes, is amended to read as follows:

~~“[§346-183]—Preschool~~ **Child care grant program special fund; established.** (a) There is established within the state treasury the ~~[preschool]~~ child care grant program special fund, to be administered by the department, into which shall be deposited:

- (1) Donations to the fund;
- (2) Appropriations made by the legislature to the fund;
- (3) Revenues regardless of their source; and
- (4) Earnings on moneys in the fund.

(b) The department shall expend moneys in the special fund to award ~~[funds]~~ grants to private entities for the operating costs of new ~~[preschools]~~ or existing child care facilities, to establish new child care facilities, or for expansion of existing [preschools at the private entity’s place of business.] child care facilities.

(c) Expenditures from the fund may be made by the department without ~~[appropriation or]~~ allotment.

(d) Any grant awarded ~~[pursuant to this section]~~ or expenditure of funds for the administration of ~~[the preschool open doors program]~~ a grant program pursuant to this section shall be exempt from chapters 103D and 103F. The department shall adopt rules pursuant to chapter 91 to effectuate the grant ~~[program.]~~ programs.

(e) Grants shall be disbursed pursuant to a contract between the department or its designee and the grant recipient, in accordance with the rules adopted pursuant to subsection (d).

~~[(e)] (f)~~ (f) The department shall submit an annual report to the legislature, no later than ~~[August 31,]~~ twenty days prior to the convening of each regular session, on the sources of moneys deposited into the fund and expenditures of moneys in the fund.

(g) For the purposes of this section, “grant” means an award of funds to a specified recipient to support the activities of the recipient and permit the community to benefit from those activities.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

A Bill for an Act Relating to Family Resource Centers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that many families with children in Hawaii are impacted by the continuing health and economic consequences of the coronavirus disease 2019 pandemic and need an array of services. In response to these consequences, staff from the departments of human services, education, health, labor and industrial relations; governor’s coordinator on homelessness; executive office on aging; executive office on early learning; workforce development council; and community providers have worked on various initiatives to address the needs of Hawaii’s residents.

In August 2020, the National Governors Association for Best Practices and Casey Family Programs launched the child and family well-being learning cohort I and II to coordinate strategic solutions to prevent child abuse and neglect and ensure child and family well-being. Several months into the pandemic, there was a national concern that cases of child abuse and neglect were going unreported as schools, health care systems, and other mandated reporters of child abuse and neglect were providing limited in-person activities. Following the early months of pandemic-related lockdown in 2020, reports of child abuse and neglect declined in some states by twenty to seventy per cent. As part of the cohort, the National Family Support Network presented information and training opportunities about family resource centers, also referred to as family support centers, as a model to assist families and prevent incidents of child abuse and neglect.

Family resource centers play a critical role in preventing child abuse and neglect; strengthening children and families; connecting family-impacting agencies and programs; creating opportunities for community-level coordination; creating connections to resources and support systems; and increasing family engagement, which all lead to greater student success in school. Additionally, various studies show that communities with family resource centers show lower rates of child abuse and neglect investigations, lower numbers of children entering foster care, and an increase in parents or custodians gaining employment within one year after participating in services provided through the centers.

The legislature further finds that the primary goal of family resource centers is to assist families with supportive services before problems become crises that require intervention by child or other protective services. For school-based family resource centers, an added goal is to support a child's educational needs.

Family resource centers serve diverse populations, and are family-focused, culturally sensitive resource hubs that provide families and caregivers targeted services or referrals for services based on the needs and interests of families or caregivers. Family resource centers may provide services that include assistance accessing government programs, job training and placement, educational support, housing assistance, child care, skills training for parents or caregivers on a variety of subjects, counseling, and referrals for case management or treatment services.

The purpose of this Act is to establish and fund a five-year family resource centers pilot program within the department of human services and fund one full-time equivalent (1.0 FTE) family resource centers coordinator position to:

- (1) Further develop and implement a statewide network of school- and community-based family resource centers;
- (2) Establish definitions, standards, and best practices;
- (3) Identify and align available services, goals, and outcomes;
- (4) Develop referral and data tracking protocols; and
- (5) Make an appropriation for the establishment of one full-time equivalent (1.0 FTE) family resource centers coordinator position.

SECTION 2. (a) There is established within the department of human services a family resource centers pilot program, which shall:

- (1) Develop and implement a statewide network of school- and community-based family resource centers;
- (2) Establish definitions, standards, and best practices;
- (3) Identify and align available services, goals, and outcomes; and
- (4) Develop referral and data tracking protocols.

(b) There is established within the department of human services one full-time equivalent (1.0 FTE) family resource centers coordinator position. The director of human services shall appoint the family resource centers coordinator to carry out the functions of the pilot program.

(c) The departments of human services, education, and health may coordinate with other public or private entities, as appropriate, to develop and implement family resource centers, including establishing standards of practice, and a strategic plan to identify minimum services, align goals and outcomes, and document referral and data tracking protocols.

(d) For purposes of the pilot program:

- (1) A family resource center shall be designed to meet the needs, cultures, and interests of the communities served by the family resource center;
- (2) Family services, including family preservation services and the identification of community support systems, may be delivered directly to a family at a family resource center by family resource center staff or by providers who contract with or have provider agreements with the family resource center, or with any of the departments identified in this section; and
- (3) Each family resource center may have one or more family advocates who screen and assess a family's needs and strengths; provided that if requested by the family, the family advocate may assist the family with setting its own goals and, together with the family, develop a written plan for the family to pursue the family's goals while working toward attaining a greater level of self-reliance or self-sufficiency through the pursuit of education, job training, or employment.

(e) As used in this section:

“Community support system” means the support system that may be organized through extended family members, friends, neighbors, religious organizations, community programs, cultural and ethnic organizations, or other support groups or organizations.

“Family preservation services” means in-home or community-based services that draw on the strengths of the family and its individual members, while addressing family needs, to keep the family together where possible. These services include:

- (1) Respite care of children to provide temporary relief for parents and other caregivers;
- (2) Services designed to improve parenting skills with respect to matters including child development, household budgeting, stress management, health, safety, and nutrition; and
- (3) Services designed to promote the well-being of children and families; increase the strength and stability of families; increase parents' confidence and competence in their parenting abilities; promote a safe, stable, and supportive family environment for children; and otherwise enhance children's development.

“Family resource center” means a unified single point of entry where families, individuals, children, and youth in communities may obtain information, an assessment of needs, and direct delivery of or referrals for family services, in a manner that is welcoming and strengths-based.

SECTION 3. (a) Contracts entered into by the departments of human services, education, and health for the purposes of this Act shall be procured pursuant to chapters 103D and 103F, Hawaii Revised Statutes.

(b) The departments of human services, education, and health may accept grants, donations, and contributions from private or public sources for the purposes of this Act, which may be expended by the receiving department in a manner consistent with the donors' wishes.

(c) The departments of human services, education, and health shall establish, no later than December 1, 2023, the following:

- (1) Criteria that the departments intend to use to evaluate potential family resource centers;
- (2) Milestones that the departments expect to meet in establishing one or more family resource centers over the course of the five-year pilot program;
- (3) Specific, measurable, attainable, reasonable, and time-based performance measures that the departments expect to meet by the end of each fiscal year;
- (4) Controls that the departments intend to use to monitor and oversee family resource centers; and
- (5) Data and referral system tracking needs and protocols that comply with applicable state and federal laws.

(d) The family resource centers coordinator shall submit reports to the legislature no later than twenty days prior to the convening of each of the regular sessions of 2023, 2024, 2025, 2026, and 2027. Each report shall include a description of the items identified in subsection (c) and of any grants, donations, and contributions received by the departments pursuant to subsection (b) in the prior fiscal year.

(e) The pilot program shall cease to exist on June 30, 2027.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of the family resource centers pilot program, one full-time equivalent (1.0 FTE) family resource centers coordinator position, and expenses related to the development and implementation of a statewide network of family resource centers.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2022, and shall repeal on June 30, 2027.

(Approved June 27, 2022.)

ACT 130

S.B. NO. 3235

A Bill for an Act Relating to Safe Spaces for Youth Pilot Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that one in ten young adults who are between the ages of eighteen and twenty-five years, and at least one in thirty adolescents between the ages of thirteen and seventeen, experience some form of homelessness in which the young adult or adolescent is unaccompanied by a parent or guardian over the course of a year.

The legislature further finds that among homeless youth, sixty-nine per cent report mental health problems; thirty-three per cent have once been part of the foster care system; and fifty per cent have been in the juvenile justice system,

in jail or detention. Moreover, sixty-two per cent of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) youth report being physically harmed while experiencing homelessness, while forty-seven per cent of non-LGBTQ youth reported being physically harmed while homeless.

The legislature also finds that runaway and homeless youth are vulnerable to multiple threats, including having unmet basic food and shelter needs, untreated mental health disorders, substance use, significant disruption to their education, sexually transmitted diseases and human immunodeficiency virus infection, sexual exploitation, physical victimization, and suicide. As the consequences faced by homeless youth are vast, coordination among various agencies, including those responsible for the State's child welfare, education, health, human services, and juvenile justice systems, is required to protect the State's youth and ensure their safety.

The purpose of this Act is to establish an inter-agency safe spaces for youth pilot program to provide safe spaces in each county for youth experiencing homelessness.

SECTION 2. (a) There is established within the department of human services for administrative purposes only a safe spaces for youth pilot program, which shall be an inter-agency initiative to provide safe spaces in each county for youth experiencing homelessness.

(b) The program shall collaborate with all departments of the State and its political subdivisions that offer services for the purpose of ensuring the well-being of youth in Hawaii, including the department of education, department of health, department of human services, department of public safety, and county police departments, to coordinate the identification of youth who are experiencing homelessness and placement of these youth at a shelter for homeless youth.

(c) The department of human services shall enter into contracts with nonprofit organizations to provide shelters for homeless youth. Any nonprofit organization contracted under this subsection shall have the knowledge, experience, and qualifications, including licenses, necessary to operate a shelter for homeless youth.

(d) Notwithstanding any other law to the contrary, a shelter for homeless youth contracted under subsection (c) may admit a youth into the shelter's care for up to ninety days without the consent of the youth's parent or guardian.

(e) The department of human services shall submit a report of its findings and recommendations pertaining to the safe spaces for youth pilot program to the legislature no later than thirty days prior to the convening of the regular session of 2025. The report shall include:

- (1) A record of pilot program activities and accomplishments;
- (2) A recommendation on whether to extend the program; and
- (3) Any proposed legislation.

(f) The department of human services shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, necessary to carry out the purposes of this Act.

(g) For the purposes of this Act:

“Shelter for homeless youth” means a facility that operates to receive youth twenty-four hours a day, seven days a week, and provide youth with services, including:

- (1) Overnight lodging and supervision;
- (2) Hot meals and hot showers;
- (3) Access to medical and behavioral health services; and
- (4) Education and employment support.

“Youth” means an individual who is at least fourteen years of age but under twenty-five years of age.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000 or so much thereof as may be necessary for fiscal year 2022-2023 to fund the safe spaces for youth pilot program, including funding for one full time equivalent (1.0 FTE) position and administrative costs for the pilot program.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022, and shall be repealed on June 30, 2025.

(Approved June 27, 2022.)

ACT 131

H.B. NO. 1992

A Bill for an Act Relating to the Environment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that allowing composting in agricultural districts will facilitate production of local organic material that farmers can use to improve soil health, increase drought resistance, and reduce the need for supplemental water and fertilizers while also increasing crop yields. The legislature also finds that composting is currently not a permissible activity in agricultural districts, which is a barrier for composting entities who seek to establish operations in the districts from obtaining the necessary permits.

The legislature further finds that increased composting, including composting of food waste, will also divert materials from landfills, which are rapidly reaching capacity and facing the burden of closure and re-siting, a process that will cost each county hundreds of millions of dollars and create community resentment. Increased composting will also move the State closer to achieving the following:

- (1) The Aloha+ Challenge, which is a statewide commitment to realize the United Nations’ Sustainable Development Goals, including the goals of achieving seventy per cent waste reduction before disposal and doubling local food production by 2030;
- (2) The Hawaii 2050 sustainability plan, which also sets a mandate for the State to achieve full sustainability and resilience through increased food production and dramatic waste reduction via recycling and bioconversion strategies; and
- (3) Increasing the generation of local compost to sequester more carbon and mitigate climate change pursuant to the strategy identified by the greenhouse gas sequestration task force permanently established by Act 15, Session Laws of Hawaii 2018, codified as section 225P-4, Hawaii Revised Statutes.

The legislature additionally finds that there is a single general permit for all prospective food waste composters that is designed to handle all potential applicants ranging from small- to large-scale operations. Potential small-scale food waste composters have indicated that the application process is too daunting, deterring them from applying. As a result, the State has lost a valuable opportunity to reduce the amount of waste that enters landfills, create economic benefits for

composters, and increase the supply of local organic soil enhancers for Hawaii's agricultural and horticultural industries.

The legislature finds that the solid and hazardous waste branch of the department of health had intended to develop an additional, simplified application process for its general permit targeting small-scale composters of green waste and food waste to encourage more small-scale composters to apply for permits. The simplified process would have increased the workload on the solid and hazardous waste branch to provide education to prospective applicants, process applications, conduct site inspections, and respond to complaints. However, an environmental health specialist position dedicated to these types of solid waste facilities was eliminated and the responsibilities of that position were absorbed by other positions, leaving the solid and hazardous waste branch unable to expand services to include the simplified general permit application process for small-scale composters.

The purpose of this Act is to:

- (1) Encourage the production of local compost and the diversion of certain materials from the State's waste streams by allowing composting and co-composting operations in agricultural districts, under certain conditions; and
- (2) Establish and appropriate funds for an environmental health specialist IV position in the solid and hazardous waste branch of the department of health.

SECTION 2. Section 205-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Agricultural districts shall include:

- (1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;
- (2) Farming activities or uses related to animal husbandry and game and fish propagation;
- (3) Aquaculture, which means the production of aquatic plant and animal life within ponds and other bodies of water;
- (4) Wind-generated energy production for public, private, and commercial use;
- (5) Biofuel production, as described in section 205-4.5(a)(16), for public, private, and commercial use;
- (6) Solar energy facilities; provided that:
 - (A) This paragraph shall apply only to land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B, C, D, or E; and
 - (B) Solar energy facilities placed within land with soil classified as overall productivity rating class B or C shall not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser, unless a special use permit is granted pursuant to section 205-6;
- (7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether conducted on the same premises as the agricultural activities to which they are accessory, including farm dwellings as defined in section 205-4.5(a)(4), employee housing, farm buildings, mills, storage facilities, processing facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, agricultural-

- energy facilities as defined in section 205-4.5(a)(17), vehicle and equipment storage areas, and plantation community subdivisions as defined in section 205-4.5(a)(12);
- (8) Wind machines and wind farms;
 - (9) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities occupying less than one-half acre of land; provided that these facilities shall not be used as or equipped for use as living quarters or dwellings;
 - (10) Agricultural parks;
 - (11) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;
 - (12) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;
 - (13) Open area recreational facilities;
 - (14) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;
 - (15) Agricultural-based commercial operations registered in Hawaii, including:
 - (A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
 - (B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, logo items related to the producer's agricultural operations, and other food items;
 - (C) A retail food establishment owned and operated by a producer and permitted under chapter 11-50, Hawaii administrative rules, that prepares and serves food at retail using products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
 - (D) A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and
 - (E) A food hub, which is a facility that may contain a commercial kitchen and provides for the storage, processing, distribution, and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.

The owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meet the requirements of this paragraph; ~~and~~

- (16) Hydroelectric facilities as described in section 205-4.5(a)(23)[-]; and
- (17) Composting and co-composting operations; provided that operations that process their own green waste and do not require permits from the department of health shall use the finished composting product only on the operation's own premises to minimize the potential spread of invasive species.

Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). Agricultural districts include areas that are not used for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.”

SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Within the agricultural district, all lands with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:

- (1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;
- (2) Game and fish propagation;
- (3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;
- (4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. “Farm dwelling”, as used in this paragraph, means a single-family dwelling located on and accessory to a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;
- (5) Public institutions and buildings that are necessary for agricultural practices;
- (6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;
- (7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;
- (8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;
- (9) Agricultural-based commercial operations as described in section 205-2(d)(15);
- (10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in

the agricultural activities of the fee or leasehold owner of the property, and vehicle and equipment storage areas that are normally considered directly accessory to the above-mentioned uses and are permitted under section 205-2(d);

- (11) Agricultural parks;
- (12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:
 - (A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land;
 - (B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or
 - (C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;
- (13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;
- (14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;
- (15) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that the wind energy facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land;
- (16) Biofuel processing facilities, including the appurtenances associated with the production and refining of biofuels that is normally considered directly accessory and secondary to the growing of the energy feedstock; provided that biofuel processing facilities and appurtenances do not adversely impact agricultural land and other agricultural uses in the vicinity.

For the purposes of this paragraph:

"Appurtenances" means operational infrastructure of the appropriate type and scale for economic commercial storage and dis-

tribution, and other similar handling of feedstock, fuels, and other products of biofuel processing facilities.

“Biofuel processing facility” means a facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, and oil crops, including palm, canola, soybean, and waste cooking oils; grease; food wastes; and animal residues and wastes that can be used to generate energy;

- (17) Agricultural-energy facilities, including appurtenances necessary for an agricultural-energy enterprise; provided that the primary activity of the agricultural-energy enterprise is agricultural activity. To be considered the primary activity of an agricultural-energy enterprise, the total acreage devoted to agricultural activity shall be not less than ninety per cent of the total acreage of the agricultural-energy enterprise. The agricultural-energy facility shall be limited to lands owned, leased, licensed, or operated by the entity conducting the agricultural activity.

As used in this paragraph:

“Agricultural activity” means any activity described in paragraphs (1) to (3) of this subsection.

“Agricultural-energy enterprise” means an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility.

“Agricultural-energy facility” means a facility that generates, stores, or distributes renewable energy as defined in section 269-91 or renewable fuel including electrical or thermal energy or liquid or gaseous fuels from products of agricultural activities from agricultural lands located in the State.

“Appurtenances” means operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural-energy facilities;

- (18) Construction and operation of wireless communication antennas, including small wireless facilities; provided that, for the purposes of this paragraph, “wireless communication antenna” means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that “small wireless facilities” shall have the same meaning as in section 206N-2; provided further that nothing in this paragraph shall be construed to permit the construction of any new structure that is not deemed a permitted use under this subsection;
- (19) Agricultural education programs conducted on a farming operation as defined in section 165-2, for the education and participation of the general public; provided that the agricultural education programs are accessory and secondary to the principal agricultural use of the parcels or lots on which the agricultural education programs are to occur and do not interfere with surrounding farm operations. For the purposes of this paragraph, “agricultural education programs” means activities or events designed to promote knowledge and understanding of agricultural activities and practices conducted on a farming operation as defined in section 165-2;

- (20) Solar energy facilities that do not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser or for which a special use permit is granted pursuant to section 205-6; provided that this use shall not be permitted on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A;
- (21) Solar energy facilities on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6; provided that:
- (A) The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties;
 - (B) Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county planning commission prior to date of commencement of commercial generation; and
 - (C) Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:
 - (i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and
 - (ii) Restoration of the disturbed earth to substantially the same physical condition as existed prior to the development of the solar energy facility.
- For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3);
- (22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1; ~~or~~
- (23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:
- (A) Shall consist of a small hydropower facility as defined by the United States Department of Energy, including:
 - (i) Impoundment facilities using a dam to store water in a reservoir;
 - (ii) A diversion or run-of-river facility that channels a portion of a river through a canal or channel; and
 - (iii) Pumped storage facilities that store energy by pumping water uphill to a reservoir at higher elevation from a reservoir at a lower elevation to be released to turn a turbine to generate electricity;
 - (B) Comply with the state water code, chapter 174C;
 - (C) Shall, if over five hundred kilowatts in hydroelectric generating capacity, have the approval of the commission on water resource management, including a new instream flow standard established for any new hydroelectric facility; and
 - (D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered~~[-]; or~~

(24) Notwithstanding any other law to the contrary, composting and co-composting operations; provided that operations that process their own green waste and do not require permits from the department of health shall use the finished composting product only on the operation’s own premises to minimize the potential spread of invasive species.”

SECTION 4. There is established one full-time equivalent (1.0 FTE) permanent environmental health specialist IV position in the solid and hazardous waste branch of the department of health.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$55,200 or so much thereof as may be necessary for fiscal year 2022-2023 for one full-time equivalent (1.0 FTE) permanent environmental health specialist IV position for the solid and hazardous waste branch of the department of health.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 132

H.B. NO. 2062

A Bill for an Act Relating to Agricultural Loans.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the agricultural loan revolving fund.

SECTION 2. There is appropriated out of the agricultural loan revolving fund the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purpose of funding class D emergency loans made pursuant to section 155-9(e), Hawaii Revised Statutes; provided that the department of agriculture may approve emergency loans of up to \$1,500,000 in excess of the \$5,000,000 annual ceiling for the agricultural loan revolving fund during a state of emergency declared by the governor pursuant to chapter 127A, Hawaii Revised Statutes.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 133

H.B. NO. 2280

A Bill for an Act Relating to Real Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 421J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§421J- Personal agriculture allowed. (a) No association shall prohibit or unreasonably restrict the use of a unit owner’s enclosed yard area for personal agriculture; provided that the use is not in violation of the association’s existing master landscape plan or other restrictive covenants applicable to the unit.

(b) This section shall apply only to enclosed yard areas that are designated for the exclusive use of the unit owner.

(c) This section shall not:

- (1) Apply to provisions in an association document that impose reasonable restrictions on the use of a unit owner’s enclosed yard area for personal agriculture; or
- (2) Prohibit an association from applying rules and regulations requiring that dead plant material and weeds, with the exception of straw, mulch, compost, and other organic materials intended to encourage vegetation and retention of moisture in the soil, be regularly cleared from the enclosed yard area.

(d) For purposes of this section:

“Personal agriculture” means a use of land where an individual cultivates lawful edible plant crops for personal use or donation.

“Reasonable restrictions” means restrictions that are reasonably necessary to protect neighbor unit owners or residents’ use and enjoyment of their property and do not unreasonably increase the cost of engaging in personal agriculture or unreasonably decrease its efficiency.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 134

S.B. NO. 2284

A Bill for an Act Relating to Aquaculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that diversification of the State’s economy is necessary to lessen economic dependence on tourism and respond to the economic downturn exacerbated by the coronavirus disease 2019 pandemic. Supporting local aquacultural production can help the State move toward greater food sustainability and expand a home-based workforce. The legislature further finds that seafood demand outpaces supply, and world fishery resources are quickly depleting. There is significant growth potential for the aquaculture industry in the State and for aspiring entrepreneurs looking to establish themselves in this global emerging industry.

Accordingly, the purpose of this Act is to:

- (1) Establish provisions relating to the department of agriculture’s governing of the business of aquaculture;

- (2) Grant exclusive property rights to persons who lawfully obtain the cultured progeny of wild plants and animals by brood stock acquisition;
- (3) Authorize the department of agriculture to regulate the transportation, purchase, possession, and sale of specific aquaculture products as may be necessary to protect indigenous species; and
- (4) Require the department of agriculture to prepare programmatic environmental impact reports.

SECTION 2. Chapter 141, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . AQUACULTURE

§141-A Definitions. As used in this part:

“Aquaculture” means any form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. The term “aquaculture” does not include species of ornamental marine or freshwater plants and animals that are not utilized for human consumption or bait purposes and that are maintained in closed systems for personal, pet industry, or hobby purposes.

“Chairperson” means the chairperson of the board of agriculture.

“Department” means the department of agriculture.

“Indigenous species” means any aquatic life, wildlife, or land plant species growing or living naturally in Hawaii without having been brought to Hawaii by humans.

“Person” means any natural person or any partnership, corporation, limited liability company, trust, or other type of association.

§141-B Aquaculture program. (a) There is established within the department an aquaculture program that shall:

- (1) Monitor actions taken by industry and by federal, state, county, and private agencies in activities relating to aquaculture, and promote and support worthwhile aquaculture activities;
 - (2) Serve as an information clearinghouse for aquaculture activities;
 - (3) Coordinate development projects to investigate and solve biological and technical problems involved in raising selected species with commercial potential;
 - (4) Actively seek federal funding for aquaculture activities;
 - (5) Undertake activities required to develop and expand the aquaculture industry; and
 - (6) Perform other functions and activities that may be assigned by law.
- (b) The chairperson may employ temporary staff exempt from chapter 76 for the aquaculture program.

§141-C Fees for aquaculture services. The department of agriculture may establish and assess fees pursuant to chapter 91 for:

- (1) Aquatic animal and plant health diagnostic services; and
- (2) Any items or expert services purchased from the department related to aquaculture planning, aquaculture disease management, and the marketing of seafood products;

provided that the assessment of these fees does not violate any provisions of this chapter.

§141-D Aquaculture development special fund. (a) There is established in the state treasury the aquaculture development special fund into which shall be deposited:

- (1) Appropriations from the legislature;
- (2) Moneys collected as fees for special microbiological and histological procedures and expert aquaculture-related services;
- (3) Moneys collected from the sale of any item related to aquaculture development that is purchased from the department;
- (4) Moneys directed to the aquaculture program from any other sources, including but not limited to grants, gifts, and awards; and
- (5) Moneys derived from interest, dividend, or other income from the above sources.

(b) Moneys in the aquaculture development special fund shall be used to:

- (1) Implement the aquatic disease management programs and activities of the department, including the provision of state funds to match federal grants; and
- (2) Support research and development programs and activities relating to the expansion of the state aquaculture industry. Research and development programs and activities funded under this paragraph may be conducted by department personnel or through contracts with the University of Hawaii or other qualified persons.

§141-E Powers, duties, and activities of the department. (a) The business of aquaculture shall be governed by this part and shall be exempt from any other provisions relating to the harvesting, processing, and marketing of cultured aquatic life.

(b) Except as provided in this part, the business of aquaculture processing, distribution, and marketing shall be administered by the chairperson.

(c) The chairperson may enter into an agreement with the chairperson of the board of land and natural resources for the resolution of any conflict regarding jurisdiction that arises under this part.

(d) Any costs incurred by the department in implementing this part shall be recovered pursuant to this part.

§141-F Brood stock acquisition; exclusive property rights. The cultured progeny of wild plants and animals lawfully obtained by brood stock acquisition are the exclusive property of the person who cultured them or that person's successor in interest.

§141-G Protection of indigenous species. (a) When necessary for the protection of indigenous species, the department may regulate the transportation, purchase, possession, and sale of specific aquaculture products as provided for in this section.

(b) The department may determine that aquaculture products shall be accompanied by a document containing any of the following information:

- (1) The name, address, and registration number of the aquaculture producer;
- (2) The species;
- (3) The weight, volume, or count within the container;
- (4) The date of the shipment; and
- (5) The name and address of the intended receiver.

(c) The department may require that certain aquaculture products be additionally identified as having been produced by aquaculture.

§141-H Programmatic environmental impact reports. (a) The department shall prepare programmatic environmental impact reports for existing and potential commercial aquaculture operations in both coastal and inland areas of the State if both of the following conditions are met:

- (1) Funds are appropriated to the department for this purpose; and
- (2) Matching funds are provided by the aquaculture industry.

(b) For purposes of this section, “matching funds” includes but is not limited to any funds expended by the aquaculture industry before January 1, 2022, for the preparation of a programmatic environmental impact report.

§141-I Rulemaking authority. The department shall adopt rules pursuant to chapter 91 to effectuate the purpose of this part.”

SECTION 3. Section 26-16, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The department shall:

- (1) Promote the conservation, development, and utilization of agricultural resources in the State;
- (2) Assist the farmers of the State and any others engaged in agriculture by research projects, dissemination of information, crop and livestock reporting service, market news service, and any other means of improving the well-being of those engaged in agriculture and increasing the productivity of the lands;
- (3) Administer the programs of the State relating to animal husbandry, entomology, farm credit, development and promotion of agricultural products and markets, and the establishment and enforcement of the rules on the grading and labeling of agricultural products; and
- (4) Administer the aquaculture program under section [~~141-2.5~~] 141-B.”

SECTION 4. Section 141-2.5, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 141-2.6, Hawaii Revised Statutes, is repealed.

SECTION 6. Section 141-2.7, Hawaii Revised Statutes, is repealed.

SECTION 7. The department of agriculture shall acquire land for the purposes of aquaculture.

SECTION 8. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 9. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 135

S.B. NO. 2621

A Bill for an Act Relating to the Department of Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of agriculture to control the spread of bovine tuberculosis among livestock and feral ungulates on the island of Molokai; provided that the moneys appropriated shall be used for the following:

- (1) The establishment of one full-time equivalent (1.0 FTE) veterinary medical officer II position;
- (2) The establishment of one full-time equivalent (1.0 FTE) livestock inspector II position;
- (3) The acquisition of land for the construction of a portable field office; and
- (4) The procurement of one new vehicle.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 2. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 136

S.B. NO. 2960

A Bill for an Act Relating to Food Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, according to the Pacific Regional Integrated Sciences and Assessments Program, Hawaii is the most geographically isolated state in the country and imports approximately ninety-two per cent of its food. Each food product imported to Hawaii is a lost opportunity for local economic growth.

According to the University of Hawaii at Manoa college of tropical agriculture and human resources, an increase in the production and sale of Hawaii-grown food would contribute to significant job creation. Increasing the amount of locally grown food by as little as ten per cent has the potential to keep hundreds of millions of dollars circulating within Hawaii's economy, stimulate growth, and create thousands of new jobs. Research shows that replacing ten per cent of current food imports with locally grown food would create a total of two thousand three hundred jobs. Such diversification would help make Hawaii's economy more resilient to worldwide events. Increasing local food production would ensure Hawaii has more stable food sources when faced with global supply chain disruptions, increased global demand for and shortages of commodities, and potential global food scarcities.

The federal Food and Drug Administration is implementing more comprehensive food safety regulations for agriculture under the 2011 FDA Food Safety Modernization Act. The implications for Hawaii are profound. The need for food safety education and compliance is critical to keep Hawaii's 1,400,000 residents and nearly nine million annual visitors safe from foodborne illnesses. During 2016, eight hundred thirty-nine foodborne disease outbreaks were re-

ported nationwide that resulted in 14,259 illnesses, eight hundred seventy-five hospitalizations, and seventeen deaths. Public health officials reported outbreaks from fifty states, Puerto Rico, and Washington, D.C. The median reporting rate per million people was 3.6 outbreaks, and rates ranged from 0.8 in Texas to 11.2 in Hawaii. The deadline for compliance with the FDA Food Safety Modernization Act has been staggered, beginning with large operations in 2018. The small farms' compliance deadline was January 2019, and the very small farms' compliance deadline occurred in 2020.

Ninety per cent of Hawaii's 3,682 farms are small to very small farms. The new standards include recordkeeping requirements that can be burdensome and expensive for many of Hawaii's farmers. The costs that farmers must incur to comply with the new food safety requirements are prohibitive for some farmers and will likely result in farm closures.

Furthermore, local retailers and distributors will be less likely to purchase from farms that cannot provide the food safety and traceability documentation required by the FDA Food Safety Modernization Act. These buyers will import products that are no longer available from local sources to meet their customer's demands, increasing the State's dependency on imported food. The average age of Hawaii's farmers is over sixty years old. Many older farmers may be inclined to close their farms rather than invest time and resources into food safety certification and compliance. Fewer farms and the resulting decrease in agricultural production will negatively impact the State's goals of reducing reliance on food imports, doubling the production of local food, and increasing food resiliency.

Providing additional support to Hawaii's agricultural industry could help reduce foodborne outbreaks, reduce reliance on agricultural imports, and foster job growth in the State. In Hawaii, small- and medium-sized farms are key to increasing locally produced food. Most farms currently grow only what can be sold in direct-to-consumer markets, often leaving much of their land uncultivated. Increased demand for locally grown food, driven by anticipated farm closures, provides an opportunity for small- and medium-sized farms to expand production to meet these new market conditions.

Food safety certification of Hawaii farms is a critical first step toward compliance and may lead to increased market access and opportunities to increase production. The United States Department of Agriculture created the Good Agricultural Practices certification program based on the Food and Drug Administration's food safety guidelines. This program is voluntary and is designed to reduce the farm-level risk of produce-based foodborne illness by applying recommended best practices. Good Agricultural Practices certification is the most common certification standard required by produce buyers.

While it is likely that most local retailers and distributors will only purchase products from food safety-certified farms, attaining Good Agricultural Practices certification, or an equivalent certification, is challenging for many farmers, who are adversely affected both by the cost of certification and the time needed to develop and implement the requirements. These farmers require direct training assistance to successfully implement Good Agricultural Practices and obtain certification.

The preservation of small, diversified farming businesses adds to and diversifies Hawaii's economy, helps redress the imbalance in the agricultural trade, and promotes food resiliency. Reducing the burden on small- to medium-sized farms that are seeking costly but necessary certifications and inspections by providing direct training and implementation assistance will allow many farms to secure Good Agricultural Practices certification and will provide an ongoing food safety resource for Hawaii.

Accordingly, the purpose of this Act is to help small- and medium-sized farms comply with federal requirements by requiring the department of agriculture to partner with the agricultural community to establish a food safety certification training program, and appropriating funds for the training program.

SECTION 2. The department of agriculture, in partnership with Hawaii's agricultural community, shall establish and implement a food safety certification training program. The program shall assist farms having less than \$500,000 in annual food sales in obtaining United States Department of Agriculture Good Agricultural Practices certification or its equivalent.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$265,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of agriculture to establish and implement, under general administration for agriculture (AGR192), the food safety certification training program established by this Act.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 137

S.B. NO. 2986

A Bill for an Act Relating to Hemp.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that hemp is a high-value crop that has the potential to bring significant and diverse revenues to Hawaii. Hemp has over fifty thousand recognized uses including as a fuel; a food, including the seeds, oil, juice from leaves, and herbal tinctures; and fiber used in supercapacitors, cloth, building materials, and bioplastic. Hemp has significant potential to be a lucrative crop for Hawaii farmers and support food security for the State. Many Hawaii farms subsidize food production with non-farming income or jobs. Hemp could provide farm-based income for farmers to expand or stabilize their food production.

The legislature further finds, however, that Hawaii's hemp industry remains in a nascent stage largely due to overregulation, which has stifled the State's hemp industry. The Hawaii hemp cannabinoid and cannabidiol market is approximated to be \$32,000,000 to \$54,000,000 annually, but most of that money goes to hemp producers outside the State due to prohibitions banning Hawaii farmers from making and selling these products in the State. Moreover, overregulation of production and processing has driven many hemp farmers out of business in the State, which makes Hawaii farmers non-competitive in the hemp market.

The legislature further finds that the Agriculture Improvement Act of 2018, informally known as the 2018 Farm Bill, legalized hemp by removing hemp from the definition of "marihuana" contained in the federal Controlled Substances Act. Therefore, hemp is no longer classified as an illegal drug under federal law. In October 2019, the United States Department of Agriculture established new regulations through which states may monitor and regulate hemp production. In light of these federal reforms, state laws regarding hemp should

also be reformed. The legislature remains committed to reform hemp laws but recognizes that the interested parties and agencies need to continue their efforts to arrive at an appropriate balance in the governing regulations. Therefore, the legislature finds that the sunset date must be extended while those remaining issues are thoroughly resolved.

Accordingly, the purpose of this Act is to extend the sunset date of Act 14, Session Laws of Hawaii 2020, which establishes the state hemp processors and commercial hemp production laws.

SECTION 2. Act 14, Session Laws of Hawaii 2020, is amended by amending section 9 to read as follows:

“SECTION 9. This Act shall take effect upon its approval, and shall be repealed on [~~June 30, 2022;~~] July 1, 2025; provided that the definition of “marijuana” in section 329-1, Hawaii Revised Statutes, and the definitions of “marijuana” and “marijuana [~~Concentrate~~] concentrate” in section 712-1240, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 138

S.B. NO. 3379

A Bill for an Act Relating to Biosecurity.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a recently concluded five-year pilot program demonstrated that strengthening biosecurity is a good investment for the State. Since invasive species pose the biggest threat to Hawaii on many fronts, preventive measures can save the State a significant amount of money over the long term. Thus, it is important to ensure that the biosecurity program can continue to operate and expand its efforts.

The purpose of this Act is to appropriate moneys for fiscal year 2022-2023 for a ports-of-entry biosecurity program.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$525,000 or so much thereof as may be necessary for fiscal year 2022-2023 for a ports-of-entry biosecurity program; provided that the moneys appropriated shall be allocated as follows:

- (1) \$425,000 for personnel costs;
- (2) \$60,000 for materials and supplies;
- (3) \$15,000 for travel expenses; and
- (4) \$25,000 for all other costs.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 139

S.B. NO. 339

A Bill for an Act Relating to the Important Agricultural Land Qualified Agricultural Cost Tax Credit.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the important agricultural land qualified agricultural cost tax credit supports food self-sufficiency by providing tax credits to qualified landowners and farmers to help offset costs related to establishing and sustaining viable agricultural operations; however, under existing law, the department of agriculture must cease certifying these tax credits for taxable years beginning after December 31, 2021. The legislature further finds that extending the tax credit will provide additional time to landowners and farmers to claim the tax credit in the event that their agricultural lands are identified as potential important agricultural lands and subsequently designated as such by the land use commission.

The purpose of this Act is to extend the period during which the important agricultural land qualified agricultural cost tax credit is available.

SECTION 2. Section 235-110.93, Hawaii Revised Statutes, is amended by amending subsection (l) to read as follows:

“(l) The department of agriculture shall cease certifying credits pursuant to this section for taxable years beginning after December 31, ~~[2021;]~~ 2030; provided that a taxpayer with accumulated, but unclaimed, certified credits may continue claiming the credits in subsequent taxable years until exhausted.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022, and shall apply to taxable years beginning after December 31, 2021.

(Approved June 27, 2022.)

ACT 140

S.B. NO. 2283

A Bill for an Act Relating to the Hawaii Hydrogen Strategic Plan.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) The Hawaii natural energy institute shall conduct a study to examine the potential for the production and use of renewable hydrogen in the State and the potential role of renewable hydrogen in achieving a local, affordable, reliable, and decarbonized energy system and economy. The study shall consider:

- (1) The feasibility of producing renewable hydrogen locally;
- (2) The power sources available for renewable hydrogen production and their relative costs;
- (3) Water usage needed for renewable hydrogen production;
- (4) The feasibility of storing renewable hydrogen and the safety considerations associated with renewable hydrogen production and storage;
- (5) Costs, benefits, and impacts compared to other fuel sources;

- (6) Potential end-user markets;
- (7) Permitting and regulatory hurdles, including infrastructure planning;
- (8) Use cases in which hydrogen would provide the most benefit, including considering power supply and transportation sectors;
- (9) The potential for locally produced renewable hydrogen as an export commodity or other revenue generating opportunity;
- (10) The technical feasibility, economic viability, and permitting requirements of local renewable hydrogen compared to the importation and distribution of bulk green hydrogen into the State from the United States and other countries; and
- (11) Other considerations deemed relevant and necessary.

(b) The results of the study shall be used to inform energy planning, which may include a Hawaii hydrogen strategic plan, decarbonization efforts, and other ongoing work being undertaken by the Hawaii state energy office.

(c) For the purposes of this section, “renewable hydrogen” means hydrogen produced entirely from renewable sources that have lifecycle emissions of no more than fifty grams of carbon dioxide per kilowatt hour.

SECTION 2. In conducting the study, the Hawaii natural energy institute shall, as appropriate, consult with the department of business, economic development, and tourism; Hawaii state energy office; public utilities commission; or any other applicable state or county agency. The Hawaii natural energy institute shall further consult with electric and gas utilities and other industry stakeholders, who are encouraged to cooperate and provide information or input.

SECTION 3. The Hawaii natural energy institute shall submit a report of its findings and recommendations, including any proposed legislation, from the study to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 141

S.B. NO. 2359

A Bill for an Act Relating to the University of Hawaii.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that due to a variety of factors, Hawaii has long suffered from a shortage of qualified public school teachers. This shortage not only continues but is worsening. Fewer graduates from Hawaii teacher education programs are entering the profession. According to the Hawaii State Teachers Association, the number of graduates joining the department of education fell by nearly thirty per cent, from five hundred forty-five in the 2010-2011 school year to three hundred eighty-seven in the 2016-2017 school year. Furthermore, four hundred eleven public school teachers resigned and left Hawaii in 2017, compared to two hundred sixty-six in 2012 and two hundred twenty-three in 2010.

In a presentation to the board of education on June 21, 2018, the Hawaii State Teachers Association testified that teacher vacancies increased fifty-one

per cent from 2011 and the number of unlicensed teachers who do not meet state qualifications rose sixty-three per cent from 2011.

Data released by the department of education on November 15, 2018, revealed that out of a total 13,437 teaching positions in 2018, five hundred eight spots were filled by instructors who had not completed a state-approved teacher preparation program. An additional five hundred twenty-one spots were vacant as of August 1, 2018. As a result, one thousand twenty-nine positions statewide were not filled by highly qualified teachers.

In comparison, during the 2012-13 school year, out of a total of 12,934 teaching positions, two hundred seventy-four were filled by emergency hires and three hundred thirty-four spots were vacant as of August 1, 2012, for a total of six hundred eight positions not filled by certified teachers during that school year.

Recent data reflects another long-term trend: teachers leaving Hawaii or resigning for other non-retirement reasons has outpaced retirement as the top reason for attrition in the last three years. During the 2020-2021 school year, seven hundred seventy-one teachers resigned for non-retirement reasons, compared with six hundred seventy-four in 2019-2020 and seven hundred fifty-five in 2018-2019. Another four hundred twenty-eight teachers retired in the 2020-2021 school year, compared with two hundred eighty-seven in 2019-2020, two hundred seventy-four the year before that, and two hundred seventy-five in 2017-2018.

All told, 1,199 teachers separated from the department of education in the 2020-2021 school year, compared to nine hundred sixty-one in 2019-2020.

The legislature additionally finds that the University of Hawaii system does not offer a sufficient number of classes for students who are pursuing undergraduate degrees in the field of education, especially on the neighbor islands where the shortages are most severe. The legislature further finds that this issue is a matter of statewide concern that falls under its purview pursuant to article X, section 6, of the Hawaii State Constitution.

The purpose of this Act is to require the University of Hawaii to establish K-12 expanded teaching cohort programs in each county for students who are pursuing undergraduate degrees in education.

SECTION 2. (a) Beginning with the 2022-2023 academic year, the University of Hawaii shall establish K-12 expanded teaching cohort programs in each county for students who are pursuing undergraduate degrees in education.

(b) No later than twenty days before the regular sessions of 2023, 2024, and 2025, the University of Hawaii shall submit interim reports to the legislature concerning its establishment of K-12 expanded teaching cohort programs in each county for students who are pursuing undergraduate degrees in education, including:

- (1) The number of additional programs in teaching that were made available, by academic semester;
- (2) The number of students enrolled in the additional programs in teaching, by academic semester;
- (3) The number of faculty needed to teach the additional programs in teaching, by academic semester;
- (4) The cost of establishing additional programs in teaching, by academic semester; and
- (5) The effect that making these additional programs in teaching has had on decreasing the shortage of qualified public-school teachers in Hawaii.

(c) No later than twenty days before the regular session of 2026, the University of Hawaii shall submit a final report to the legislature concerning its

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establishment of K-12 expanded teaching cohort programs in each county for students who are pursuing undergraduate degrees in education, including:

- (1) The matters identified in paragraphs (b)(1) through (b)(5); and
- (2) Any recommendations, including any proposed legislation, regarding the establishment of additional teaching programs for students who are pursuing undergraduate degrees in education.

SECTION 3. This Act shall take effect upon its approval; provided that this Act shall be repealed on December 31, 2026.

(Approved June 27, 2022.)

ACT 142

S.B. NO. 2893

A Bill for an Act Relating to a School Supply Subsidy Pilot Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Title I, Part A, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (Title I), provides federal financial assistance to local educational agencies and schools with high percentages of children from low-income families to help ensure educational success.

The legislature further finds that a pilot program to subsidize school supplies for schools composed entirely of students eligible for participation in Title I, such as Naalehu elementary school, would be useful to identify methods for relieving the financial burden of education on low-income families. Many students who attend Naalehu elementary school live in rural areas across Kau and experience geographical challenges, such as limited opportunities and isolation from educational resources.

The legislature additionally finds that, as an exemplar, based on the school supplies list for the 2021-2022 school year at Naalehu elementary school and the average cost of school supplies at local stores, the cost for school supplies by grade are as follows: grade one, \$4,451.58; grade two, \$1,605.86; grade three, \$3,646.08; grade four, \$5,186.94; grade five, \$4,913.63; and grade six, \$3,969.

The purpose of this Act is to establish and make an appropriation for a one-year school supply subsidy pilot program at all schools composed entirely of students eligible for participation in Title I, including but not limited to Naalehu elementary school.

SECTION 2. (a) Beginning with the 2022-2023 school year, the department of education shall establish and implement a one-year school supply subsidy pilot program at all schools composed entirely of students eligible for participation in Title I, Part A, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, including but not limited to Naalehu elementary school.

(b) The department of education shall submit a report of its findings and recommendations regarding the school supply subsidy pilot program, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 3. Department of education expenditures of less than \$100,000, including those made pursuant to this Act, shall not be subject to section 103D-305(c), Hawaii Revised Statutes, and shall be subject to the rules

governing procurements of less than \$25,000; provided that department of education expenditures of \$15,000 to less than \$100,000, including those made pursuant to this Act, shall be subject to the requirements of section 3-122-75(a)(2), Hawaii Administrative Rules, and shall be treated thereunder as expenditures of \$15,000 to less than \$25,000, notwithstanding any law to the contrary.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$806,800 or so much thereof as may be necessary for fiscal year 2022-2023 to establish and implement a one-year school supply subsidy pilot program at all schools composed entirely of students eligible for participation in Title I, Part A, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, including but not limited to Naalehu elementary school.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2022, and shall be repealed on January 1, 2024.

(Approved June 27, 2022.)

ACT 143

S.B. NO. 2826

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, in the current job market, nearly sixty-five per cent of available positions require post-secondary credentials. Industry-recognized credentials are important because they teach the specific knowledge and skills that are required for an occupation or industry. Full-time employees having industry credentials earn more than their uncredentialed counterparts, and the salaries of credential holders who do not hold college degrees are in some cases similar to the salaries of college graduates.

The legislature also finds that the State has critical shortages of qualified and credentialed workers in various sectors, including health, education, air travel, agriculture, and technology. Given the recent downturn in the State's economy and the rise in unemployment, it is especially important for Hawaii to equip its students for the existing job market. To this end, the Promising Credentials project, a collaborative effort aimed at using Hawaii labor market data and local employer insights to identify high-value industry credentials in the State, was launched. This information will enable local career readiness programs to better tailor their offerings to Hawaii's job market and to deliver more effective services to both students and employers.

Act 163, Session Laws of Hawaii 2021, which requires, in part, a state-wide longitudinal data system, will better enable the department of education and employers to align offerings and opportunities based on data. The legislature believes that students and employers in Hawaii both benefit when school career readiness programs prepare students based on regional needs.

Accordingly, the purpose of this Act is to create a career development success program to provide financial incentives for participating public high schools and charter schools to encourage pupils enrolled in grades nine through twelve to enroll in and successfully complete qualified industry-credential programs.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to subpart C of part II to be appropriately designated and to read as follows:

“§302A- Industry-recognized credentials; career development success program. (a) There is established within the department a career development success program to provide financial incentives for participating high schools to encourage students enrolled in grades nine through twelve in public high schools to enroll in and successfully complete qualified industry-credential programs.

(b) Beginning with the 2022-2023 fiscal year, each participating school may receive up to \$1,000 for each pupil who, in the preceding fiscal year, successfully completes a qualified industry-credential program. The funds shall be distributed to participating schools as provided in subsections (e) and (f).

(c) Each participating school may decide annually whether to participate in the career development success program.

(d) The department shall create a process with a deadline for participating schools to report student credential attainment.

(e) For each fiscal year, the department shall distribute to each participating school an amount equal to \$1,000 multiplied by the number of pupils reported by the participating school as successfully earning an industry certificate by completing a qualified industry-credential program; provided that a participating school shall not receive a distribution for more than ten per cent of the total number of completed industry certificates reported by all participating schools.

(f) For each fiscal year, the department shall distribute funds in the following order until all funds are disbursed:

- (1) Based on the order received by the department, funds shall be distributed first to participating schools for all who attained Advanced Credentials;
- (2) Based on the order received by the department, funds shall be distributed to participating schools for all who attained Door Opener Credentials;
- (3) Based on the order received by the department, funds shall be distributed to participating schools for all who attained Springboard Credentials;
- (4) Based on the order received by the department, funds shall be distributed to participating schools for all who attained Foundational Credentials; and
- (5) Any remaining funds shall be deposited into the general fund.

(g) Each participating school shall regularly communicate to all high school students the availability of qualified industry-credential programs and the benefits a student receives as a result of successfully completing one of the programs or courses. The participating school shall design the communications to students with the goal of increasing participation in the qualified industry-credential programs and courses across all student subgroups.

(h) As used in this section:

“Advanced Credentials” means credentials that signal proficiency in industry-specific skills for priority occupations that may also require a bachelor’s degree, as determined by the department.

“Door Opener Credentials” means credentials that signal proficiency in industry-specific skills for priority occupations that require some post-secondary education, including certificates and associate degrees, as determined by the department.

“Foundational Credentials” means credentials that prepare learners with essential knowledge and skills for a range of priority occupations, including workplace safety, as determined by the department.

“Participating school” means a public high school that chooses to participate in the career development success program established pursuant to this section.

“Qualified industry-credential program” means a program that is recognized by the department as offering students the opportunity to attain a high-value industry credential.

“Springboard Credentials” means credentials that signal proficiency in industry-specific skills for priority occupations that often do not require a post-secondary certificate or degree, as determined by the department.”

SECTION 3. Chapter 302D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302D- Industry-recognized credentials; career development success program. (a) There is established by the commission a career development success program to provide financial incentives for participating public charter schools to encourage students enrolled in grades nine through twelve in public charter schools to enroll in and successfully complete qualified industry-credential programs.

(b) Beginning with the 2022-2023 fiscal year, each participating school may receive up to \$1,000 for each pupil who, in the preceding fiscal year, successfully completes a qualified industry-credential program. The funds shall be distributed to participating schools as provided in subsections (e) and (f).

(c) Each participating school may decide annually whether to participate in the career development success program.

(d) The commission shall create a process with a deadline for participating schools to report student credential attainment.

(e) For each fiscal year, the commission shall distribute to each participating school an amount equal to \$1,000 multiplied by the number of pupils reported by the participating school as successfully earning an industry certificate by completing a qualified industry-credential program; provided that a participating school shall not receive a distribution for more than ten per cent of the total number of completed industry certificates reported by all participating schools.

(f) For each fiscal year, the commission shall distribute funds in the following order until all funds are disbursed:

- (1) Based on the order received by the commission, funds shall be distributed first to participating schools for all who attained Advanced Credentials;
- (2) Based on the order received by the commission, funds shall be distributed to participating schools for all who attained Door Opener Credentials;
- (3) Based on the order received by the commission, funds shall be distributed to participating schools for all who attained Springboard Credentials;
- (4) Based on the order received by the commission, funds shall be distributed to participating schools for all who attained Foundational Credentials; and
- (5) Any remaining funds shall be deposited into the general fund.

(g) Each participating school shall regularly communicate to all students in grades nine through twelve the availability of qualified industry-credential programs and the benefits a student receives as a result of successfully

completing one of the programs or courses. The participating school shall design the communications to students with the goal of increasing participation in the qualified industry-credential programs and courses across all student subgroups.

(h) As used in this section:

“Advanced Credentials” means credentials that signal proficiency in industry-specific skills for priority occupations that may also require a bachelor’s degree, as determined by the department.

“Door Opener Credentials” means credentials that signal proficiency in industry-specific skills for priority occupations that require some post-secondary education, including certificates and associate degrees, as determined by the department.

“Foundational Credentials” means credentials that prepare learners with essential knowledge and skills for a range of priority occupations, including workplace safety, as determined by the department.

“Participating school” means a public charter school that chooses to participate in the career development success program established pursuant to this section.

“Qualified industry-credential program” means a program that is recognized by the department as offering students the opportunity to attain a high-value industry credential.

“Springboard Credentials” means credentials that signal proficiency in industry-specific skills for priority occupations that often do not require a post-secondary certificate or degree, as determined by the department.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,470,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the career development success program established pursuant to section 2 of this Act.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$130,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the career development success program established pursuant to section 3 of this Act.

The sum appropriated shall be expended by the state public charter school commission for the purposes of this Act.

SECTION 6. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that supporting local businesses and encouraging the production and use of local agricultural products are a matter of statewide concern.

The legislature further finds that the department of education, department of health, department of public safety, department of defense, and University of Hawaii system are the state entities that purchase some of the greatest amounts of agricultural products. For example, according to the department of public safety, it consistently spent more than \$10,000,000 annually from 2007 to 2011 to feed Hawaii's inmate population. For the department of health, under section 11-174-3, Hawaii Administrative Rules, the inclusive rate for routine and ancillary services per patient of the Hawaii state hospital is \$133 per day. Routine and ancillary services include food and nutrition services, among other services and supplies.

The department of education operates the twelfth-largest school system in the United States. Prior to the coronavirus disease 2019 pandemic, the department of education served lunch to 103,786 students daily and an additional 32,352 breakfasts daily. During fiscal year 2017-2018, the department spent more than \$45,640,000 on food for school meals. In 2020, even during an abbreviated school year, the department spent about \$30,000,000 on food.

The legislature notes that the department of defense oversees the Hawaii national guard youth challenge academy and serves breakfast, lunch, and dinner to its residential students. The Hawaii national guard youth challenge academy is seventy-five per cent funded by a federal National Guard Bureau grant, with meal and food purchases for the year having a federal budget cap of \$25 a day for each cadet participating in the academy.

Therefore, the purpose of this Act is to require the department of education, department of health, department of public safety, department of defense, and University of Hawaii system to ensure that a certain percentage of food that is purchased is locally grown to ensure the continued growth of local food, support local farmers and ranchers, and guarantee that revenue derived from locally grown food remains in the State. This Act is not meant to capture departmental or University of Hawaii system staff travel expenses, office staff procurement, any other staff meals separate from each department's offered meal services or programs, or other staff meals separate from the University of Hawaii system's offered meal services or programs.

SECTION 2. Section 27-8, Hawaii Revised Statutes, is amended to read as follows:

“[§27-8] Contracts for ~~produce~~ food; percentage to be grown within the State. (a) ~~[Each principal department of the State, as established in section 26-4, that purchases produce]~~ The department of education, department of health, department of public safety, department of defense, and University of Hawaii system shall each ensure that a certain percentage of the ~~produce~~ food purchased ~~[by that department]~~ for public schools, youth campuses, public hospitals, public prisons, and any purchases made directly by the University of Hawaii for use in its academic programs, as applicable, is fresh local agricultural products and local value-added, processed, agricultural, or food products, as follows:

- (1) By January 1, 2025, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of ten per cent of the total ~~produce~~ food purchased ~~[by the department]~~ during each calendar year, as measured by the per cent of total food cost;
- (2) By January 1, 2030, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of eighteen per cent of the total ~~produce~~ food purchased

[by the department] during each calendar year, as measured by the per cent of total food cost;

- (3) By January 1, 2035, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of twenty-six per cent of the total ~~[produce]~~ food purchased [by the department] during each calendar year, as measured by the per cent of total food cost;
- (4) By January 1, 2040, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of thirty-four per cent of the total ~~[produce]~~ food purchased [by the department] during each calendar year, as measured by the per cent of total food cost;
- (5) By January 1, 2045, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of forty-two per cent of the total ~~[produce]~~ food purchased [by the department] during each calendar year, as measured by the per cent of total food cost; and
- (6) By January 1, 2050, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of fifty per cent of the total ~~[produce]~~ food purchased [by the department] during each calendar year, as measured by the per cent of total food cost.

(b) ~~[Each principal department of the State]~~ The department of education, department of health, department of public safety, department of defense, and University of Hawaii system shall each submit a report to the legislature no later than twenty days prior to the convening of each regular session on ~~[that department's]~~ progress made toward meeting the benchmarks described in subsection (a), including:

- (1) ~~The [amount of] total [produce] cost of food purchased [by the department] during the calendar year preceding that regular session[; as measured by the per cent of the total food cost]; or in the case of the department of education, during the school year preceding that regular session;~~
- (2) ~~The [amount of] percentage of the total cost of food purchased during the calendar year preceding that regular session, accounted for by the total cost of fresh local agricultural products and local value-added, processed, agricultural, or food products purchased [by the department during the calendar year preceding that regular session, as measured by the per cent of the total food cost]; or in the case of the department of education, during the school year preceding that regular session; and~~
- (3) ~~The percentage of fresh local agricultural products and local value-added, processed, agricultural, or food products purchased by the department during the year preceding that regular session; and~~
- (4) ~~(3) If the department or University of Hawaii system did not meet the relevant benchmark described in subsection (a), an explanation of why the department or University of Hawaii system did not meet that benchmark.~~

(c) ~~[For the purposes of]~~ As used in this section:

“Fresh local agricultural products” means fruits, vegetables, nuts, coffee, eggs, poultry[;] and poultry products, livestock[;] and livestock products, milk and milk products, aquacultural[;] and maricultural products, and horticultural products, that are one hundred per cent grown, raised, and harvested in Hawaii.

“Local value-added, processed, agricultural, or food products” means a product for which at least fifty-one per cent of [the product’s] its primary agricultural product is grown, raised, and harvested in Hawaii.

“Primary agricultural product” means the major agricultural product in a processed or value-added agricultural or food product.

[“Produce” means fruits, vegetables, staple starches, nuts, coffee, eggs, poultry and poultry products, livestock and livestock products, milk and milk products, aquacultural and maricultural products, and horticultural products.]”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 145

S.B. NO. 2081

A Bill for an Act Relating to the Department of Education Commercial Enterprises Revolving Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 302A, part II, subpart B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- Department of education commercial enterprises revolving fund. There is established the department of education commercial enterprises revolving fund into which shall be deposited all revenues derived from commercial enterprise operation programs undertaken by the department. Revenues deposited into this fund may be expended by the department for all costs and expenses associated with the operation of the commercial enterprises, including hiring personnel; renovating commercial space; and purchasing merchandise, supplies, and equipment, without regard to chapters 76, 78, 89, 103, and 103D. Any law to the contrary notwithstanding, the department may transfer all funds at its disposal, with the exception of general funds, into the revolving fund to finance the establishment of new commercial enterprises. The department may adopt rules pursuant to chapter 91 governing the expenditure of revenues deposited in the revolving fund.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Teacher Compensation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the recruitment and retention of qualified teachers are essential to the success of Hawaii's public education system. The State continues to face a chronic teacher shortage, which undermines student learning and achievement. For the 2018-2019 school year, the department of education experienced a qualified teacher shortage of one thousand twenty-nine positions.

The legislature further finds that research indicates that competitive and equitable compensation correlates with greater success in recruiting and retaining qualified educators. Yet, numerous studies have shown that Hawaii's teacher salaries are the lowest in the nation when adjusted for the State's high cost of living.

The legislature also finds that teacher salaries are inequitable when experienced senior teachers are aligned with less senior teachers in their placement within existing salary schedules. Unfair pay scales have driven experienced senior teachers to either retire early or leave the profession, due to the perception that their experience and dedication to public education and the teaching profession will never be adequately valued and recognized.

The legislature further finds that an increasing number of school districts around the country are utilizing compensation methods and strategies designed to improve the recruitment and retention of qualified teachers.

The legislature additionally finds that section 302A-624(c) and section 302A-627(a), Hawaii Revised Statutes, fail to adequately promote equitable teacher compensation and should be repealed. Accordingly, the purpose of this Act is to repeal sections 302A-624(c) and 302A-627(a), Hawaii Revised Statutes.

SECTION 2. Section 302A-624, Hawaii Revised Statutes, is amended to read as follows:

“§302A-624 Teachers' salary schedule. (a) The salary schedule for all teachers of the department shall be negotiated pursuant to section 89-9.

(b) All teachers shall meet the following requirements:

- (1) A teacher shall earn at least five credits within a three-year cycle to receive increment or longevity step increases in the third year of the three-year cycle;
- (2) A teacher who fails to meet the requirement set forth in paragraph (1) shall not be eligible for any increment or longevity step increases until the teacher earns the credit requirement for the three-year cycle;
- (3) Any credit earned in excess of any three-year credit requirement may not be carried over beyond the three-year cycle; and
- (4) Credits earned may be in the form of in-service, university, or other credits approved by the department.

~~[(c) A teacher shall be required to spend at least one year in Class III before going on to Class IV, at least one year in Class IV before going on to Class V, at least one year in Class V before going on to Class VI, and at least one year in Class VI before going on to Class VII.~~

~~(d)] (c)~~ In case of promotion from a teaching position to an educational officer, the employee shall receive compensation at the lowest step of the higher

grade that exceeds the employee's existing compensation by at least eight per cent if such a step exists.

~~[(e)]~~ (d) Effective July 1, 2006, the minimum hourly or minimum per diem rate for substitute teachers shall be determined by the legislature as follows; provided that any individual in Class I, II, or III who works less than a full seven-hour work day shall be compensated on a pro-rated, hourly basis:

- (1) Class I: other individuals who do not possess a bachelor's degree shall be compensated at a rate of not less than \$125 for a full work day;
- (2) Class II: individuals with a bachelor's degree shall be compensated at a rate of not less than \$136 for a full work day; and
- (3) Class III: department of education teachers, or licensed or highly qualified teachers, shall be compensated at a rate of not less than \$147 for a full work day.

~~[(f)]~~ (e) Effective July 1, 2008, the board shall provide wage adjustments for substitute teachers. The wage adjustments shall be comparable to the across-the-board wage adjustments for teachers that are negotiated for bargaining unit (5) subject to legislative approval, pursuant to section 89C-5. The board may also adjust hours, benefits, and other terms and conditions of employment for substitute teachers."

SECTION 3. Section 302A-627, Hawaii Revised Statutes, is amended to read as follows:

~~“[§302A-627]—Salary ratings of entering or reentering teachers; credit~~
Credit for military service. ~~[(a)]~~ Any teacher with more than one year of teaching experience, and so accredited by the department, entering or reentering the service of the department shall have the teacher's salary rating determined by the personnel executive of the department, any other law to the contrary notwithstanding, so that the salary rating shall be equal to the salary ratings held by incumbent teachers in the department with the identical number of years of experience.

~~[(b)]~~ Any teacher who served on active duty with the armed forces of the United States shall be given credit by the department for the teacher's military service in the determination of the teacher's salary, the teacher's eligibility for leaves of absence, and for all other purposes of seniority. Both reentering and entering teachers shall have each year of their military service or six months thereof credited as a year of teaching experience; provided that no more than four years of credit for military service shall be allowed. Evidence of military service shall be by certificate."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

A Bill for an Act Relating to Asthma.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, according to the department of health, more than one hundred ten thousand Hawaii residents are living

with asthma and approximately one-third of those are children. This chronic respiratory disease occurs most commonly among those eleven years of age and younger. Every year, over five thousand people in Hawaii visit emergency rooms due to asthma and another one thousand five hundred are hospitalized. Infants and very young children make up the majority of asthma-related medical emergencies and hospitalizations. Every year, asthma costs the State approximately \$4,200,000 in emergency room visits and approximately \$14,000,000 in hospitalizations. Although the asthma mortality rate has declined over the past ten years, there was an average of twenty-two deaths per year from asthma in Hawaii between 2013 and 2015.

The legislature further finds that published research funded by the Centers for Disease Control and Prevention for the Journal of School Health has shown that students who engage in school-based asthma education experienced significantly fewer days with activity limitations and significantly fewer nights of sleep disturbance after participation in the intervention. For health care utilization, students reported significantly less frequent emergency department visits or hospitalizations between the baseline and follow-up surveys. School-based asthma curriculum designed specifically for urban students has been shown to reduce symptoms, activity limitations, and health care utilization for intervention participants.

The purpose of this Act is to authorize the department of education to:

- (1) Offer optional asthma education instruction to students; and
- (2) Provide teachers and other department employees asthma training.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part II, subpart C, to be appropriately designated and to read as follows:

“§302A- Asthma education instruction. (a) The department may offer optional asthma self-management instruction to students with asthma. The instruction shall be age-appropriate and the topics shall include:

- (1) Asthma facts, physiology, and early warning signs;
- (2) Symptoms and triggers of asthma; and
- (3) Asthma self-management skills.

(b) The department may coordinate with any public or private entity to provide the instruction offered under this section.

(c) The department may use existing educational and training resources available in the public and private sectors when developing the instruction offered under this section.”

SECTION 3. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part III, subpart B, to be appropriately designated and to read as follows:

“§302A- Asthma training. (a) The department may develop and provide asthma training to teachers and other department employees who interact with students. Any training provided under this section shall include recognizing the symptoms of asthma and asthma management.

(b) The department may allow parents and guardians of students and any other department employee to attend the training at no cost.

(c) The department may set the standards and frequency for the training and may coordinate as necessary with any public or private entity to provide the training provided under this section.

(d) The department may use existing educational and training resources available in the public and private sectors when developing the training provided under this section.”

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 148

S.B. NO. 3091

A Bill for an Act Relating to Options for Students in Department of Education Schools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to provide clarity and consistency with regard to commercial enterprise activities in schools by:

- (1) Broadening the scope of profit-making operations students may engage in at schools to include commercial enterprises, while ensuring that engagement in commercial enterprises shall be related to the primary educational purposes of the school, career pathway, academy, or program as required by section 302A-448, Hawaii Revised Statutes; and
- (2) Allowing students to receive school credit, compensation, or both, when engaging in profit-making operations.

SECTION 2. Section 302A-420, Hawaii Revised Statutes, is amended to read as follows:

“§302A-420 Profits ~~to pupils~~ and school credit for students. All net profits arising from agricultural ~~[and], industrial, or commercial enterprise pursuits [under sections 302A-420 to 302A-431]~~ at any school, under the rules of the department:

- (1) Shall be used by the school to support agricultural, industrial, and commercial enterprise pursuit programs and for the purchase of equipment and ~~[material,] materials,~~ not otherwise provided for in the school budget, that will be of general benefit to the ~~[pupils;] stu-~~ students; or
- (2) May be distributed among the ~~[pupils] students~~ actually engaged in the pursuits~~[-];~~ provided that school credit may also be granted to students engaged in the permitted operations, either in addition to, or in lieu of, any net profits distributed to the students;

provided further that the commercial enterprise does not affect the tax-exempt status of general obligation bonds and complies with the requirements of section 302A-448. The department shall provide for the keeping of simple books of account, showing the source and distribution of the money resulting from the operations carried on pursuant to this section, and for the auditing of these books of account at least quarterly.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

A Bill for an Act Relating to Commercial Enterprises in Schools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to allow for greater implementation of commercial enterprises in schools by:

- (1) Deeming student interns engaging in commercial enterprises to be employees of the State; and
- (2) Allowing the department of education to use revenue generated from school commercial enterprises.

SECTION 2. Section 302A-448, Hawaii Revised Statutes, is amended to read as follows:

“~~§302A-448~~ Schools; career pathways, academies, and programs; commercial enterprises. (a) Notwithstanding any law to the contrary, an individual department school or any career pathway, academy, or program operated within a school may engage in commercial enterprises that are related to the primary educational purposes of the school, career pathway, academy, or program as set forth in this chapter, including the sale of goods produced by or for an individual school, career pathway, academy, or program.

(b) Student interns engaging in commercial enterprises under subsection (a) shall be considered “employees of the State” for purposes of chapter 662.

(c) Revenues accrued and expenditures made by the department for the operation of commercial enterprises, including those relating to hiring of personnel; renovation of commercial space; and the purchase of merchandise, supplies, and equipment, shall be accrued and made without regard to chapters 76, 78, 89, 103, and 103D. Net profits generated pursuant to this section and section 302A-1903 may be used by the department in accordance with this chapter.

~~[(b)]~~ (d) The department may adopt rules pursuant to chapter 91 to carry out the purposes of this section.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

A Bill for an Act Relating to the Department of Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 212, Session Laws of Hawaii 2021, requires the transfer of the Oahu regional health care system facilities of the Hawaii health systems corporation, comprising Leahi hospital and Maluhia, to the department of health.

The legislature further finds that the complexity of this transfer is high because of logistical, clinical, labor relations, and financial issues. Due to the department of health’s recent focus on the response to water contamination issues

at the Red Hill Bulk Fuel Storage Facility and the ongoing coronavirus disease 2019 pandemic, an extension of the date by which the transfer is to be complete is necessary to ensure that the intent of Act 212, Session Laws of Hawaii 2021, is properly achieved.

Accordingly, the purpose of this Act is to:

- (1) Set the proper manner by which the Oahu regional health care system should seek operational funding during the pendency of the transition process;
- (2) Extend the date by which the transfer is to be completed from December 31, 2022, to December 31, 2025;
- (3) Require the transition working group to submit an additional report to the legislature prior to the convening of the regular session of 2025;
- (4) Clarify the procedure for the working group to discuss matters concerning patient privacy and prospective bidders; and
- (5) Appropriate moneys from the general fund to formulate and execute a comprehensive business and transition plan.

SECTION 2. Act 212, Session Laws of Hawaii 2021, is amended as follows:

1. By amending section 6 to read:

“SECTION 6. (a) The budget of the Oahu regional health care system shall be transferred from the Hawaii health systems corporation to the department of health; provided that:

- (1) The Oahu regional health care system’s budget codes and all related allocated funds of the Oahu region shall be reflected in the state budget and all other related tables; ~~and~~
- (2) The organizational structure of the Oahu regional health care system shall remain unchanged, unless modified and approved by the working group established pursuant to section 9 of this Act, and as approved by the conditions established in this part or as required by law~~[-]; and~~
- (3) During the transition period, all requests for operational funds necessary for the Oahu regional health care system to maintain its operations at Leahi hospital and Maluhia shall be made by the Oahu regional health care system and shall be submitted with budget requests made by the Hawaii health systems corporation; provided further that, when appropriated, funding for the Oahu regional health care system shall be designated under HTH 215, the program ID assigned to the Oahu regional health care system.

(b) The transfer of positions and respective class specifications of the Oahu region from the Hawaii health systems corporation’s personnel system to the department of health, as set forth in ~~[a] the transition [document] documents~~ submitted by the working group established pursuant to section 9 of this Act no later than twenty days prior to the convening of the regular ~~[session] sessions~~ of 2022~~[-]~~ and 2025, shall be completed no later than December 31, ~~[2022,-] 2025~~; provided that:

- (1) All employees of the Oahu region who are employed as of December 31, ~~[2022,-] 2025~~, shall be transferred to the department of health before the transition of the Oahu regional health care system into the department of health is complete;
- (2) All employees of the Oahu region who occupy civil service positions shall be transferred to the department of health by this Act and retain their civil service status, whether permanent or temporary, and

shall maintain their respective functions as reflected in their current position descriptions during the transition period; provided that any changes determined necessary by the working group established pursuant to section 9 of this Act shall follow standard union consultation process prior to implementation;

- (3) Employees shall be transferred without loss of salary; seniority, except as prescribed by applicable collective bargaining agreements; retention points; prior service credit; any vacation and sick leave credits previously earned; and other rights, benefits, and privileges, in accordance with state employment laws;
- (4) The personnel structure of the Oahu regional health care system shall remain unchanged, unless modified and approved by the working group and as approved by the conditions established pursuant to this Act;
- (5) Any employee who, prior to this Act, is exempt from civil service or collective bargaining and is transferred as a consequence of this Act shall be transferred without loss of salary and shall not suffer any loss of prior service credit, contractual rights, vacation or sick leave credits previously earned, or other employee benefits or privileges, and, except in the instance of discipline, shall be entitled to remain employed in the employee's current position for a period of no less than one year after the transition of the Oahu regional health care system into the department of health is complete;
- (6) The wages, hours, and other conditions of employment shall be negotiated or consulted, as applicable, with the respective exclusive representative of the affected employees, in accordance with chapter 89, Hawaii Revised Statutes; and
- (7) The rights, benefits, and privileges currently enjoyed by employees, including those rights, benefits, and privileges under chapters 76, 78, 87A, 88, and 89, Hawaii Revised Statutes, shall not be impaired or diminished as a result of these employees being transitioned to the department of health pursuant to this Act. The transition to the department of health shall not result in any break in service for the affected employees. The rights, benefits, and privileges currently enjoyed by employees shall be maintained under their existing collective bargaining or other agreements and any successor agreement."

2. By amending subsection (b) of section 7 to read:

“(b) Notwithstanding any law to the contrary, the terms of the following members of the board of directors of the Hawaii health systems corporation shall expire on December 31, ~~[2022:]~~ 2025:

- (1) The regional chief executive officer of the Oahu regional health care system; and
 - (2) The two board members residing on the island of Oahu appointed pursuant to section 323F-3(b)(7), Hawaii Revised Statutes.”
3. By amending section 8 to read:

“SECTION 8. (a) During the transition planning period commencing on July 1, 2021, to and including the completion of the transition of the Oahu regional health care system into the department of health no later than December 31, ~~[2022:]~~ 2025, the Oahu regional system board may:

- (1) Develop and implement its own policies, procedures, and rules necessary or appropriate to plan, operate, manage, and control its facilities without regard to chapter 91, Hawaii Revised Statutes;

- (2) Enter into and perform any contract, lease, cooperative agreement, partnership, or other transaction whatsoever that may be necessary or appropriate in the performance of its purposes and responsibilities, and on any terms the regional system board may deem appropriate with either:
 - (A) Any agency or instrumentality of the United States, or with any state, territory, possession, or subdivision thereof; or
 - (B) Any person, firm, association, partnership, or corporation, whether operated on a for-profit or not-for-profit basis; provided that the transaction furthers the public interest;
- (3) Conduct activities and enter into business relationships the regional system board deems necessary or appropriate, including but not limited to:
 - (A) Creating nonprofit corporations, including but not limited to charitable fundraising foundations, to be controlled wholly by the regional system board or jointly with others;
 - (B) Establishing, subscribing to, and owning stock in business corporations individually or jointly with others; and
 - (C) Entering into partnerships and other joint venture arrangements, or participating in alliances, purchasing consortia, health insurance pools, or other cooperative agreements, with any public or private entity; provided that any corporation, venture, or relationship entered into under this subsection shall further the public interest;
- (4) Execute, in accordance with all applicable bylaws, rules, and laws, all instruments necessary or appropriate in the exercise of any powers of the regional system board;
- (5) Make and alter regional system board bylaws and rules for its organization and management without regard to chapter 91, Hawaii Revised Statutes;
- (6) Enter into any contract or agreement whatsoever, not inconsistent with the laws of the State, execute all instruments, and do all things necessary or appropriate in the exercise of the powers granted under chapter 323F, Hawaii Revised Statutes, including securing the payment of bonds; provided that contracts or agreements executed by the regional system board shall only encumber the regional subaccounts of the regional system board;
- (7) Own, purchase, lease, exchange, or otherwise acquire property, whether real, personal, or mixed, tangible or intangible, and any interest therein, in the name of the regional system board; provided that the regional system board shall be subject to the requirements of section 323F-3.5, Hawaii Revised Statutes;
- (8) Contract for and accept any gifts, grants, and loans of funds or property, or any other aid in any form from the federal government, the State, any state agency, or any other source, or any combination thereof, in compliance, subject to chapter 323F, Hawaii Revised Statutes, with the terms and conditions thereof; provided that the regional system board shall be responsible for contracting for and accepting any gifts, grants, loans, property, or other aid if intended to exclusively benefit the Oahu region public health facilities and operations;
- (9) Provide health and medical services to the public directly or by agreement or lease with any person, firm, or private or public corporation, partnership, or association through or in the health fa-

cilities of the regional system board or otherwise; provided that the regional system board shall be responsible for conducting the activities under this paragraph solely within the Oahu regional system;

- (10) Approve medical staff bylaws, rules, and medical staff appointments and reappointments for all public health facilities of the regional system board, including but not limited to determining the conditions under which a health professional may be extended the privilege of practicing within a health facility, as determined by the regional system board, and adopting and implementing reasonable rules, without regard to chapter 91, Hawaii Revised Statutes, for the credentialing and peer review of all persons and health professionals within the facility; provided that the regional system board shall be the governing body responsible for all medical staff organization, peer review, and credentialing activities to the extent allowed by law;
- (11) Enter into any agreement with the State, including but not limited to contracts for the provision of goods, services, and facilities for the support of the regional system board's programs, and contracting for the provision of services to or on behalf of the State;
- (12) Develop internal policies and procedures for the procurement of goods and services, consistent with the goals of public accountability and public procurement practices, and subject to management and financial legislative audits; provided that the regional system board shall enjoy the exemptions under section 103-53(e) and chapter 103D, Hawaii Revised Statutes;
- (13) Authorize, establish, and abolish positions; and
- (14) Employ or retain any attorney, by contract or otherwise, for the purpose of representing the regional system board in any litigation, rendering legal counsel, or drafting legal documents for the regional system board.

(b) During the transition period commencing on July 1, 2021, to and including the completion of the transition of the Oahu regional health care system into the department of health no later than December 31, ~~2022,~~ 2025, the Oahu regional system board shall continue to enjoy the same sovereign immunity available to the State.

(c) During the transition period commencing on July 1, 2021, to and including the completion of the transition of the Oahu regional health care system into the department of health no later than December 31, ~~2022,~~ 2025, the Oahu regional system board shall be exempt from chapters 36, 37, 38, 40, 41D, 103D, 103F, part I of chapter 92, and section 102-2, Hawaii Revised Statutes.”

4. By amending section 9 to read:

“SECTION 9. (a) There is established a working group of the Oahu regional health care system and department of health to develop, evaluate, and implement any additional steps necessary to complete the transition of the Oahu regional health care system into the department of health.

- (b) The working group shall consist of the following members:
 - (1) The director of health or the director's designee, who shall serve as co-chair and who, along with the chair of the Oahu regional system board or the chair's designee, shall have final authority over transfer activities to be implemented by the working group;
 - (2) The chair of the Oahu regional system board or the chair's designee, who shall serve as co-chair and who, along with the director of health or the director's designee, shall have final authority over transfer activities to be implemented by the working group;

- (3) The chief executive officer of the Oahu regional health care system or the chief executive officer's designee;
 - (4) One or more department of health staff members as deemed necessary by the director of health or the director's designee; and
 - (5) One or more Oahu regional health care system staff members as deemed necessary by the chief executive officer of the Oahu regional health care system or the chief executive officer's designee.
- (c) In addition, the working group shall include the following members who shall serve in a consultative capacity:
- (1) One representative from the behavioral health administration of the department of health;
 - (2) One representative from the department of human resources development;
 - (3) One representative from the department of accounting and general services;
 - (4) One representative from the department of the attorney general;
 - (5) One representative from the department of budget and finance;
 - (6) One representative from the office of planning;
 - (7) The chair of the Hawaii health systems corporation board or the chair's designee;
 - (8) One representative from the Hawaii health systems corporation human resources department;
 - (9) One representative from the Hawaii health systems corporation finance department;
 - (10) One representative from the state procurement office;
 - (11) One representative from the Hawaii Government Employees Association, who shall be invited to participate;
 - (12) One representative from the United Public Workers, who shall be invited to participate;
 - (13) Community representatives as recommended and invited by the co-chairs; and
 - (14) Others as recommended and invited by the co-chairs.
- (d) In carrying out its purpose, the working group shall develop a comprehensive business plan and transfer framework to govern and manage the additional steps necessary to complete the transfer of the Oahu region into the department of health. The comprehensive business plan and transfer framework shall include but not be limited to the following:
- (1) Preparation of a five-year pro forma operating plan and budget for the continuing operations of Leahi hospital and Maluhia;
 - (2) Preparation of a ten-year pro forma capital improvement plan and budget for the continuing operations of Leahi hospital and Maluhia;
 - (3) Identification and preparation of proposed legislation to address any matters not covered by this Act that may be necessary to complete the transfer of the Oahu regional health care system into the department of health;
 - (4) Identification of all real property, appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other property made, used, acquired, or held by the Oahu regional health care system to effectuate the transfer of the same to the department of health;
 - (5) Identification of all debts and other liabilities that will remain with the Hawaii health systems corporation and the remaining debts and liabilities to be transferred to the department of health;

- (6) Identification of all contractual arrangements and obligations of the Oahu regional health care system, including but not limited to those related to personal service contracts, vendor contracts, and capital improvement projects;
- (7) Development and implementation of any and all policies and procedures necessary to ensure that the facilities within the Oahu regional health care system remain compliant with all federal, state, and local laws and regulations; and
- (8) Development and implementation of procedures to extricate the Oahu regional health care system from system-wide services secured or provided by the Hawaii health systems corporation or enable the Oahu region to continue to utilize those services on a temporary or permanent basis through interagency agreement.

(e) Members of the working group shall serve without compensation but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses. No member of the working group shall be subject to chapter 84, Hawaii Revised Statutes, solely because of the member's participation in the working group.

(f) The working group shall submit ~~[a report]~~ reports to the legislature no later than twenty days prior to the convening of the regular ~~[session]~~ sessions of 2022 and 2025 that shall include the five-year pro forma operating and budget plan, ten-year pro forma capital improvement plan, proposed legislation to address any matters not covered by this Act that may be necessary to complete the transfer of the Oahu regional health care system into the department of health, and a timeline of major milestones necessary to effectuate the transfer of personnel, assets, liabilities, and contracts needed to complete the transfer pursuant to this Act. The ~~[report]~~ reports shall also document the completion of the transfer and dissolution of the Oahu regional health care system.

(g) The working group shall be dissolved on December 31, ~~[2022,]~~ 2025, or upon completion of the transition of the Oahu regional health care system into the department of health, whichever is first.

(h) The working group may hold executive sessions in compliance with the procedures set out in section 92-4, Hawaii Revised Statutes, to discuss individually identifiable information that could affect patient privacy or information that could identify prospective bidders."

5. By amending section 14 to read:

"SECTION 14. This Act shall take effect on July 1, 2021; provided that part II of this Act shall take effect on December 31, ~~[2022,]~~ 2025."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 151

H.B. NO. 1640

A Bill for an Act Relating to Recycling.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 339D, Hawaii Revised Statutes, is amended by adding seven new sections to part IV to be appropriately designated and to read as follows:

“§339D-A Manufacturer recycling goals. (a) The department shall use the best available information to establish the weight of all electronic devices sold in the State, including the reports submitted pursuant to section 339D-C, state and national sales data, and other reliable commercially available, supplemental sources of information.

(b) No later than October 1, 2022, and annually thereafter, the department shall notify each manufacturer of its recycling obligation pursuant to subsection (c).

(c) Each manufacturer shall collect and recycle electronic devices according to the following:

- (1) Beginning January 1, 2023, the equivalent of fifty per cent, by weight, of the manufacturer’s electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91;
- (2) Beginning January 1, 2024, the equivalent of sixty per cent, by weight, of the manufacturer’s electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91; and
- (3) Beginning January 1, 2025, the equivalent of seventy per cent, by weight, of the manufacturer’s electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91.

(d) A manufacturer may collect any electronic device to meet its recycling goal.

(e) A manufacturer may consider reused electronic devices toward achieving its recycling goals.

§339D-B Record keeping requirements. (a) Each manufacturer shall maintain records, for a minimum of five years, of the following:

- (1) The amount, in weight, of its annual sales of electronic devices sold in the State;
- (2) The number of electronic devices it has collected for recycling or reuse, by county; and
- (3) The number of electronic devices recycled or reused by each collector and recycler on behalf of the manufacturer.

(b) Nothing in this section is intended to exempt any person from liability that the person would otherwise have under applicable law.

§339D-C Manufacturer reporting requirements. (a) By August 1, 2022, and annually thereafter, each manufacturer shall report to the department its sales, by weight, of the manufacturer’s electronic devices sold in the State in the previous calendar year, categorized by electronic device type.

(b) If the manufacturer is unable to provide accurate sales data, the manufacturer shall explain why the data cannot be provided and shall instead report an estimate of its sales data and provide an explanation of the methods used to derive the estimate.

(c) By March 31, 2023, and annually thereafter, each manufacturer shall report to the department the total weight of all electronic devices recycled

or reused, by county, in the previous calendar year. Reports shall be submitted on forms prescribed by the department.

§339D-D Collector registration. (a) By January 1, 2023, each collector shall register with the department, using forms prescribed by the department, and pay to the department a registration fee of \$250. Thereafter, if a collector has not previously registered with the department, the collector shall register with the department prior to accepting electronic devices. A registration shall be valid until December 31 of each year.

(b) By January 1 of each year, each collector shall submit an annual renewal of its registration with the payment of a registration fee of \$250.

§339D-E Collector record keeping requirements. Each collector shall maintain records for a minimum of five years of the following:

- (1) The amount, in weight, of electronic devices it has collected for recycling and reuse and the amounts sent for recycling and reuse; and
- (2) Bills of lading or weight tickets for all electronic devices sent for recycling or reuse.

§339D-F Collector reporting requirements. By March 31, 2024, and annually thereafter, each collector shall report to the department the weight of all electronic devices collected for recycling or reuse in the previous year. Reports shall be submitted on forms prescribed by the department and shall indicate the weight of electronic devices sent to each recycler and the number of electronic devices that were reused.

§339D-G Collector responsibility. Each collector shall possess and maintain all necessary business and environmental permits.”

SECTION 2. Chapter 339D, Hawaii Revised Statutes, is amended by amending its title to read as follows:

“ELECTRONIC [WASTE AND TELEVISION] DEVICE RECYCLING AND RECOVERY ACT”

SECTION 3. Section 339D-1, Hawaii Revised Statutes, is amended to read as follows:

“§339D-1 Definitions. As used in this chapter:

“Brand” means a symbol, word, or mark that identifies [a covered] an electronic device [or a covered television], rather than any of its components.

[“Covered electronic device”:

- (1) ~~Means a computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally; and~~
- (2) ~~Shall not include:~~
 - (A) ~~A covered electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;~~
 - (B) ~~A covered electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;~~
 - (C) ~~A covered electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, mi-~~

~~errowave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or~~

~~(D) A telephone of any type.~~

~~“Covered entity” means any household, government entity, business, or nonprofit organization exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code, regardless of size or place of operation within the State.~~

~~“Covered television”:~~

~~(1) Means any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including without limitation any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a household;~~

~~(2) Shall not include:~~

~~(A) A computer, computer printer, computer monitor, or portable computer;~~

~~(B) A television that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;~~

~~(C) A television that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;~~

~~(D) A telephone of any type, including a mobile telephone; or~~

~~(E) A global positioning system.]~~

~~“Collector” means a person that accepts electronic devices for reuse or delivers the devices to a recycler for the purposes of this chapter.~~

~~“Department” means the department of health.~~

~~[“Electronic device manufacturer”:~~

~~(1) Means any existing person:~~

~~(A) Who manufactures or manufactured covered electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor;~~

~~(B) Who sells or sold covered electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor;~~

~~(C) Who manufactures or manufactured covered electronic devices without affixing a brand;~~

~~(D) Who manufactures or manufactured covered electronic devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use; or~~

~~(E) For whose account covered electronic devices manufactured outside the United States are or were imported into the United States; provided that if at the time those covered electronic devices are or were imported into the United States and another person has registered as the manufacturer of the brand of the covered electronic devices, this paragraph shall not apply;~~

- (2) Shall not include persons who manufacture no more than one hundred computers per year.

~~“Household” means any occupant of a single detached dwelling unit or of a single unit of a multiple dwelling unit who has used a covered electronic device or covered television at a dwelling unit primarily for personal or home business use.~~

~~“Market share”:~~

- (1) ~~Means the calculation of a television manufacturer’s prior year’s sales of televisions divided by all manufacturers’ prior year’s sales for all televisions, as determined by the department;~~

- (2) ~~May be expressed as a percentage, a fraction, or a decimal fraction.~~

~~“New covered electronic device” means a covered electronic device that is manufactured after the effective date of this chapter.]~~

~~“Electronic device”:~~

- (1) Means:

- (A) A computer, computer printer, computer monitor, or portable computer with a screen size greater than four inches measured diagonally; and

- (B) Any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programing, including any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology; and

- (2) Shall not include:

- (A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

- (B) An electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;

- (C) An electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;

- (D) A telephone of any type including a mobile telephone; or

- (E) A global positioning system.

~~“Manufacturer”:~~

- (1) Means any person:

- (A) Who manufactures or manufactured electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture electronic devices for delivery exclusively to or at the order of the licensor;

- (B) Who sells or sold electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture electronic devices for delivery exclusively to or at the order of the licensor;

- (C) Who manufactures or manufactured electronic devices without affixing a brand;

(D) Who manufactures or manufactured electronic devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use; or

(E) For whose account electronic devices manufactured outside the United States are or were imported into the United States; provided that if at the time those electronic devices are or were imported into the United States and another person has registered as the manufacturer of the brand of the electronic devices, this subparagraph shall not apply; and

(2) Shall not include persons who sold fewer than one hundred electronic devices in the State during the previous calendar year.

“Person” means any individual, business, partnership, limited liability company, corporation, not-for-profit organization, association, government entity, public benefit corporation, or public authority.

[“Program year” means a full calendar year beginning on or after January 1, 2010, and each calendar year thereafter beginning on January 1.

“Recover” means to reuse or recycle.]

“Recycler” means any person who engages in the recycling of electronic devices for the purposes of this chapter.

“Recycling” means processing [~~(f), including disassembling, dismantling, or shredding~~]-covered], electronic devices [~~or covered televisions~~] or their components to recover a useable product[; ~~provided that “recycling” does not include any process defined as incineration under applicable laws and rules.~~]

“Retailer” means any person who offers [~~covered~~] electronic devices [~~or covered televisions~~] for sale, other than for resale by the purchaser, through any means, including sales outlets, catalogs, or the Internet.

“Reuse” means any operation by which an electronic device changes ownership and is used for the same purpose for which it was originally purchased.

“Sell” or “sale” means any transfer for consideration of title, including transactions conducted through sales outlets, catalogs, or the Internet, but excluding leases.

[“Television manufacturer” means a person who:

- (1) ~~Manufactures for sale in the State a covered television under a brand that it licenses or owns;~~
- (2) ~~Manufactures for sale in the State covered televisions without affixing a brand;~~
- (3) ~~Resells into the State a covered television manufactured by others under a brand that the seller owns or is licensed to use;~~
- (4) ~~Imports into the United States or exports from the United States a covered television for sale in the State;~~
- (5) ~~Sells at retail a covered television acquired from an importer described in paragraph (4), and elects to register as the manufacturer for those products;~~
- (6) ~~Manufactures covered televisions and supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State; or~~
- (7) ~~Assumes the responsibilities and obligations of a television manufacturer under this chapter.~~

In the event the television manufacturer is one who manufactures, sells, or resells covered televisions under a brand for which it has obtained the license, then the licensor or brand owner of the brand shall not be included in the definition of television manufacturer under paragraph (1) or (3).]”

SECTION 4. Section 339D-7.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§339D-7.5~~ **Manufacturer and agent responsibilities; regulatory compliance.** Each ~~[electronic device manufacturer and television]~~ manufacturer shall be responsible for ensuring that the manufacturer and its agents follow all federal, state, and local regulations when collecting, transporting, and recycling ~~[covered]~~ electronic devices ~~[or covered televisions]~~, and adopt environmentally sound recycling practices for the ~~[covered]~~ electronic devices ~~[or covered televisions]~~.”

SECTION 5. Section 339D-8, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) to (d) to read:

“(a) The department may conduct audits and inspections to determine compliance under this chapter. Except as provided in subsection (c), the department and the attorney general shall be empowered to enforce this chapter and take necessary action against any ~~[electronic device or television]~~ manufacturer or retailer for failure to comply with this chapter or rules adopted thereunder.

(b) The attorney general may file suit in the name of the State to enjoin an activity related to the sale of ~~[covered]~~ electronic devices ~~[or covered televisions]~~ in violation of this chapter.

(c) The department shall issue a warning notice to a person for the person’s first violation of this chapter. The person shall comply with this chapter within sixty days of the date the warning notice was issued or be subject to the penalties provided by law or rule, including~~[-]~~ but not limited to~~[,]~~ penalties set forth in subsections (d) through (g). A retailer that receives a warning notice from the department for a violation of section ~~[339D-3(a) or]~~ 339D-24(a) shall submit proof to the department, within sixty days from the date the warning notice was issued, that its inventory of ~~[covered]~~ electronic devices ~~[or covered televisions]~~ offered for sale is in compliance with this chapter.

(d) Any retailer who sells or offers for sale an unlabeled electronic device ~~[or unlabeled covered television]~~ in violation of section ~~[339D-3 or]~~ 339D-24, ~~[respectively,]~~ or any ~~[electronic device or television]~~ manufacturer that fails to comply with any provision of section ~~[339D-4 or]~~ 339D-23~~[-, respectively,]~~ may be assessed a penalty of up to \$10,000 for the first violation and up to \$25,000 for the second and each subsequent violation, in addition to any additional penalties required or imposed pursuant to this chapter.”

2. By amending subsection (g) to read:

“(g) If a ~~[covered television]~~ manufacturer fails to ~~[recycle its market share allocation,]~~ meet its recycling goals pursuant to section 339D-A(c), the department shall impose a penalty of ~~[50 cents]~~ \$1.50 per pound for each pound not recycled.”

SECTION 6. Section 339D-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Notwithstanding subsection (a), the department shall not have the authority to assess any fees, including an advanced recycling fee, registration fee, or other fee, on consumers, ~~[television]~~ manufacturers, or retailers for recovery of ~~[covered televisions]~~ electronic devices except those noted in ~~[sections 339D-4 and]~~ section 339D-22.”

SECTION 7. Section 339D-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall compile the information submitted by [covered television] manufacturers and issue a report to the legislature no later than April 1, 2012, and annually each year thereafter.”

SECTION 8. Section 339D-12, Hawaii Revised Statutes, is amended to read as follows:

“~~§339D-12 Federal preemption.~~ [(a) Part II of this chapter shall be deemed repealed if a federal law or a combination of federal laws takes effect that establishes a national program for the collection and recycling of covered electronic devices that substantially meets the intent of part II of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic devices from covered entities in the United States.

(b) ~~Part IV~~ of this chapter shall be deemed repealed if a federal law or a combination of federal laws takes effect that establishes a national program for the recycling of [covered televisions] electronic devices that substantially meets the intent of ~~part IV~~ of this chapter.”

SECTION 9. Chapter 339D, part IV, Hawaii Revised Statutes, is amended by amending its title to read as follows:

“~~PART IV. TELEVISION~~ ELECTRONIC DEVICE RECYCLING AND RECOVERY SYSTEM”

SECTION 10. Section 339D-21, Hawaii Revised Statutes, is amended to read as follows:

“~~§339D-21~~ Applicability. The recycling provisions of this part shall apply only to [covered televisions] electronic devices used and discarded in [this] the State [by a covered entity].”

SECTION 11. Section 339D-22, Hawaii Revised Statutes, is amended to read as follows:

“~~§339D-22 Television manufacturers.~~ Manufacturers. (a) No [television] manufacturer shall sell or offer for sale any new [covered television] electronic device in [this] the State unless:

- (1) The [covered television] electronic device is labeled with a brand, whether licensed or owned, and the label is permanently affixed; and
- (2) The brand is included in a registration that is filed with the department and that is effective pursuant to subsection (b).

(b) By January 1, [2010,] 2023, before selling or offering for sale any [covered television] electronic device in the State, each [television] manufacturer shall register with the department and pay to the department a registration fee of [~~\$2,500.~~] \$5,000. Thereafter, if a [television] manufacturer has not previously registered, the [television] manufacturer shall register with the department prior to any offer for sale for delivery in [this] the State of the [television] manufacturer's new [covered televisions.] electronic device.

(c) Each [television] manufacturer who is registered shall submit an annual renewal of its registration and payment of a registration fee of [~~\$2,500~~] \$5,000 to the department by January 1 of each [program] year.

(d) The registration and each renewal shall include a list of all of the [television] manufacturer's brands of [covered televisions] electronic devices and shall be effective on the second day of the succeeding month after receipt by the department of the registration or renewal.

(e) A [television] manufacturer shall provide the department with contact information for the [television] manufacturer's designated agent or employee

whom the department may contact for information on the [television] manufacturer’s compliance with the requirements of this section.”

SECTION 12. Section 339D-23, Hawaii Revised Statutes, is amended to read as follows:

~~“[§339D-23]—Television manufacturer~~ **Manufacturer responsibility.**

(a) Beginning January 1, ~~[2011,]~~ 2023, a [television] manufacturer shall recycle or arrange for the recycling or reuse of any ~~[covered television]~~ electronic device sold in the State. Manufacturers shall fully fund their recycling plan, including the collection, transportation, and recycling of all electronic devices in the State.

(b) By ~~[June 1, 2010,]~~ September 1, 2022, and annually thereafter, each [television] manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the recycling of ~~[covered televisions]~~ electronic devices sold in the State, which shall be subject to the following conditions:

(1) The plan shall not permit the charging of a fee at the point of ~~[reeycling]~~ collection if the ~~[covered television]~~ electronic device is brought by the ~~[covered television]~~ electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the [television] manufacturer or [television] manufacturer’s agent removes the ~~[covered]~~ electronic device from the owner’s premises at the owner’s request and if the removal is not in conjunction with delivery of a new [television] electronic device to the owner; ~~and~~

~~(2) Each television manufacturer may develop its own recycling program or may collaborate with other television manufacturers, so long as the program is implemented and fully operational no later than January 1, 2011.]~~

(2) The plan shall include a description of the methods for the convenient collection of electronic devices at no cost to the owner, except as provided in paragraph (1). The recycling plan shall provide for collection services of electronic devices in each county and zip code tabulation area, as defined by the United States Census Bureau, with a population greater than twenty-five thousand. The recycling plan shall include at least one of the following:

(A) Staffed drop-off sites;

(B) Alternative collection services, including on-site pick-up services; or

(C) Collection events held at an easily accessible, central location;

(3) The plan shall provide collection services at a minimum of once per month;

(4) The plan shall not contain only a mail-back option;

(5) The plan shall specify the use of only collectors registered with the State pursuant to section 339D-D; and

(6) The plan shall specify the use of recyclers that have achieved and maintained third-party accredited certification from the Responsible Recycling Standard for Electronics Recyclers (R2), Standard for Responsible Recycling and Reuse of Electronic Equipment (e-Stewards), or an internationally accredited third-party environmental management standard for the safe and responsible handling of electronic devices.

(c) The department shall review each [television] manufacturer’s plan and, within sixty days of receipt of the plan, determine whether the plan complies with this part. If the plan is approved, the department shall notify the [television] manufacturer or group of [television] manufacturers. If the plan is

rejected, the department shall notify the [television] manufacturer or group of [television] manufacturers and provide the reasons for the plan's rejection. Within thirty days after receipt of the department's rejection, the [television] manufacturer or group of [television] manufacturers may revise and resubmit the plan to the department for approval.

(d) ~~[No later than January 31, 2012, and each year thereafter, each television manufacturer shall report to the department the total weight of covered televisions that the television manufacturer collected in the State and recycled during the previous year.] Each manufacturer may develop its own recycling plan or may collaborate with other manufacturers; provided that the plan is implemented and fully operational by January 1, 2023.~~

(e) The obligations under this chapter for a manufacturer that manufactures or manufactured electronic devices, or who sells or sold electronic devices manufactured by others, under a brand that was previously used by a different person in the manufacture of electronic devices, shall extend to all electronic devices bearing that brand."

SECTION 13. Section 339D-24, Hawaii Revised Statutes, is amended to read as follows:

~~"[§339D-24]~~ **Retailer responsibility.** (a) Beginning January 1, ~~[2011,]~~ 2023, no retailer shall sell or offer to sell any ~~[covered television]~~ electronic device in ~~[this] the~~ State unless a visible, permanent label clearly identifying the manufacturer of that device is affixed to the equipment and the ~~[television]~~ manufacturer has registered with the State.

(b) Beginning January 1, ~~[2011,]~~ 2023, retailers shall make available to their customers information on collection services for discarded ~~[televisions]~~ electronic devices in the State and shall include the department's website address and toll-free telephone number. Remote retailers may include this information in a visible location on their website to fulfill this requirement.

(c) Retailers shall not be liable in any way for electronic data or other information that a consumer may have stored on ~~[a covered television]~~ an electronic device that is recovered or recycled."

SECTION 14. Section 339D-25, Hawaii Revised Statutes, is amended to read as follows:

~~"[§339D-25]—Television] **Electronic device recovery system[-]; consumer education.** [(a) The department shall use state-specific television sales data or national television sales data available from commercially available analytical sources to determine each television manufacturer's recycling responsibilities for covered televisions based upon the television manufacturer's market share. If the department uses national sales data, the department shall extrapolate data for the State from national data on the basis of the State's share of the national population. The department shall seek to establish the most accurate determination of each [television] manufacturer's market share and may rely on supplemental sources of information to achieve this goal.~~

~~(b) No later than March 15, 2012, and annually thereafter, the department shall notify each television manufacturer of its recycling obligation. Each television manufacturer's obligation shall be based on that television manufacturer's market share from the previous year multiplied by the total pounds of covered televisions recycled by all television manufacturers during the previous program year.~~

~~(c) (a) The department shall develop a consumer education program about the [covered television] electronic device recycling program.~~

ACT 152

~~[(d)]~~ (b) Beginning January 1, ~~[2011,]~~ 2023, the department shall display on its website a toll-free number and current information on ~~[covered television]~~ electronic device recycling locations.”

SECTION 15. Section 339D-26, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All ~~[covered televisions]~~ electronic devices recovered pursuant to this part shall be recycled in a manner that complies with all applicable federal, state, and county laws and requirements.”

SECTION 16. Section 339D-27, Hawaii Revised Statutes, is amended to read as follows:

~~“[§339D-27] State procurement.~~ All state and county agencies that purchase or lease any ~~[covered television]~~ electronic device shall require each prospective offeror to certify compliance with this part. Failure to provide certification shall disqualify the prospective offeror.”

SECTION 17. Chapter 339D, part II, Hawaii Revised Statutes, is repealed.

SECTION 18. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 19. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 20. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 152

H.B. NO. 1644

A Bill for an Act Relating to Environmental Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that perfluoroalkyl and polyfluoroalkyl substances (PFAS) are chemicals that have been used in many consumer products since the 1940s. PFAS accumulate in the human body, and exposure can lead to adverse health outcomes in humans. The most studied PFAS chemicals are perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Studies indicate that PFOA and PFOS can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals, and both PFOA and PFOS have caused tumors in animals. The most consistent findings are increased cholesterol levels among exposed populations, with other findings related to low infant birth rates, effects on the immune system, cancer for PFOA, and thyroid disruption for PFOS.

One common pathway for human exposure to PFAS is through their use in food packaging. Individuals can be exposed to PFAS by eating food that was

packaged in material that contains PFAS or using consumer products that contain PFAS. Due to the pervasiveness of these chemicals, PFAS have also been detected in drinking water. Another pathway for exposure to PFAS is through drinking water contaminated by firefighting foam containing PFAS.

The legislature further finds that once PFAS enter the environment, they persist for a very long time, as no natural processes can break down these substances. These forever chemicals can continue to cause exposures long after they are phased out of consumer and other products. Furthermore, there is little toxicity or safety data for most of the commonly used PFAS chemicals, including those that are currently used in food packaging.

The legislature also finds that a 2021 study conducted by the Washington state department of ecology sought to identify safer options to replace PFAS in food packaging. The study set forth certain considerations when looking for alternatives, including if the products were safer than PFAS, worked as well as or better than PFAS, were readily available for purchase to general consumers, and were cost comparable to the PFAS option. The department of ecology determined that less hazardous alternatives are available for the following four types of food packaging: wraps and liners, plates, food boats, and pizza boxes.

The legislature additionally finds that there are two major classes of firefighting foam: class A firefighting foam, which is used to extinguish certain materials such as wood, paper, and brush; and class B firefighting foam, also called aqueous film forming foam, which is used to extinguish materials such as gasoline, oil, and jet fuel. Class B firefighting foams, some of which contain PFAS, are widely used at firefighting training facilities, airports, and military bases.

Although class B firefighting foam is highly effective for fighting flammable liquid fires, numerous environmental, health, and safety concerns have prompted federal and state agencies and legislatures to consider regulating firefighting foams that contain PFAS. Congress has already directed the military to phase out its use of such foams by 2024. Furthermore, nine states, including California, Illinois, New York, and Washington, have enacted laws that prohibit the sale or use of PFAS firefighting foams. The market for safer alternatives to PFAS firefighting foam is also growing, including for airports.

Accordingly, the purpose of this Act is to:

- (1) Prohibit the manufacture, sale, or distribution for sale or use of wraps and liners, plates, food boats, and pizza boxes that contain PFAS; and
- (2) Prohibit the manufacture, sale, distribution, and use of class B firefighting foams that contain PFAS, with certain exceptions.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES PROHIBITED**

§321- Definitions. For the purposes of this part:

“Class B firefighting foam” means foams designed to suppress flammable liquid fires.

“Food packaging” means a package or packaging component that is applied to or in direct contact with any food or beverage and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

“Intentionally introduced” means deliberately utilized PFAS in the formulation of a package or packaging component where the continued presence

of the PFAS is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality.

“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means all members of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

§321- Food packaging; prohibited items. (a) Beginning December 31, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for use in the State any food packaging specified in subsection (b) to which PFAS chemicals have been intentionally introduced in any amount.

(b) The prohibition under this section shall apply to wraps and liners, plates, food boats, and pizza boxes.

§321- Class B firefighting foam; prohibited items. (a) Beginning July 1, 2024, it shall be unlawful for any person or state or county department or agency to discharge or otherwise use for training or testing purposes class B firefighting foam that contains intentionally introduced PFAS chemicals, unless the use is necessary for effective suppression of a petroleum fire.

(b) Beginning July 1, 2024, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for training or testing purposes in the State any class B firefighting foam that contains intentionally introduced PFAS chemicals.

(c) This section shall not apply to the manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals is required by federal law or regulations; provided that if applicable federal law or regulations are amended after the effective date of this Act to allow the use of alternative firefighting agents that do not contain PFAS chemicals, the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal law or regulation.

§321- Manufacturers of class B firefighting foam; prohibitions; certificate of compliance; penalty. (a) A manufacturer of class B firefighting foam prohibited by this part shall notify, in writing and no later than January 1, 2023, persons that sell the manufacturer’s products in the State about the requirements of this part.

(b) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited by this part shall recall the product and reimburse the retailer or any other purchaser for the product.

(c) The department may request a certificate of compliance from a manufacturer of class B firefighting foam that attests that a manufacturer’s product or products meets the requirements of this part.

(d) Any manufacturer of class B firefighting foam violating this part or any rule adopted pursuant to this part shall be subject to an administrative fine not to exceed:

- (1) \$5,000 for a first violation; and
- (2) \$10,000 for any subsequent violation.

§321- Rules. The department may adopt rules pursuant to chapter 91 necessary to implement this part.”

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 153

H.B. NO. 2195

A Bill for an Act Relating to Cesspools.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that failing cesspools are contaminating the State's ground water, streams, and coastal ecosystems. To address this, Act 125, Session Laws of Hawaii 2017, required all cesspools to be upgraded or converted to a septic system or aerobic treatment unit system, or connected to a sewerage system, by 2050 and directed the department of health to develop a system to prioritize their upgrade, conversion, or connection based on their impact on public health. The University of Hawaii's 2021 Hawaii cesspool hazard assessment and prioritization tool identified three prioritization categories: priority levels 1, 2, and 3. Priority level 1 includes the cesspools with the greatest contamination hazard; priority level 2 includes cesspools with significant contamination hazard; and priority level 3 are areas where cesspools have a pronounced contamination hazard.

The legislature recognizes that the requirement to upgrade or convert a cesspool imposes a financial burden on low- and moderate-income families.

The purpose of this Act is to assist low- and moderate-income property owners, including lessees on Hawaiian home lands, with upgrading, converting, or connecting their failing cesspools to more environmentally appropriate systems or sewerage systems by creating a pilot grant project to assist with conversion costs.

SECTION 2. (a) There is established in the department of health the cesspool compliance pilot grant project to assist property owners, including lessees on Hawaiian home lands, with upgrading, converting, or connecting a cesspool that, according to the department of health, meets the requirements of subsection (b). Specifically, the cesspool compliance pilot grant project shall assist property owners and lessees on Hawaiian home lands in meeting the costs of:

- (1) Upgrading or converting cesspools that meet the requirements of subsection (b) to a director of health-approved wastewater system; or
- (2) Connecting cesspools that meet the requirements of subsection (b) to a sewerage system.

(b) The department of health shall not grant awards to any owner of real property with a cesspool or lessee on Hawaiian home lands with a cesspool unless:

- (1) The cesspool is located in an area identified as priority level 1 or 2 in the University of Hawaii's 2021 Hawaii cesspool hazard assessment and prioritization tool;
 - (2) The owner or lessee provides the department with the tax return required by this section; and
 - (3) An application, the form of which shall be decided by the department, is submitted and deemed completed by the department of health.
- (c) No grant under this section shall be awarded to any:
- (1) Owner of real property; or
 - (2) Lessee on Hawaiian home lands,

with a household income greater than one hundred forty per cent of the area median income as determined by the United States Department of Housing and Urban Development.

The owner's or lessee's household income shall be verified using the tax return of the most recent taxable year that is closed.

(d) The department of health shall grant awards on a first-come, first-served basis, subject to funding availability and the criteria set forth in subsections (b) and (e).

(e) The owner or lessee shall provide the department of health with the following before a grant may be awarded:

- (1) Design plans prepared by a licensed engineer for a wastewater system that complies with chapter 11-62, Hawaii Administrative Rules;
- (2) A licensed engineer's final construction inspection report with photos and as built plans and certification that the system was constructed in accordance with the design plans approved by the director of health;
- (3) A copy of an approval to use letter of the wastewater system issued by the director of health; and
- (4) Receipts of payment made to the licensed engineer and licensed contractor.

(f) The department of health shall grant awards not to exceed \$20,000 based on receipts of payment submitted under subsection (e)(4); provided that cesspools that have been upgraded or converted to a director of health-approved wastewater system before the passing of this Act shall not be eligible for this grant.

(g) The department of health may adopt rules as necessary to carry out the cesspool compliance pilot grant project; provided that the rules may allow third parties to claim a grant award on behalf of the owner of real property with a cesspool or lessee on Hawaiian home lands with a cesspool.

(h) The department of health shall submit to the legislature a report on the pilot grant project, including any findings and recommendations, and any proposed legislation, no later than twenty days prior to the convening of the regular session of 2024.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to implement the cesspool compliance pilot grant project; provided that the appropriation may be used to contract for services to establish and administer the project.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. The appropriation made by this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that all moneys from the appropriation unencumbered as of June 30, 2024, shall lapse as of that date.

SECTION 5. This Act shall take effect on July 1, 2022, and shall be repealed on June 30, 2028.

(Approved June 27, 2022.)

A Bill for an Act Relating to Fair Housing Reasonable Accommodations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that recent legislation prohibits the misrepresentation of animals as service animals. Act 217, Session Laws of Hawaii 2018 (Act 217), amends the definition of “service animal” to mean “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability” and requires that the work or tasks performed by the service animal relate directly to the individual’s disability. Act 217 also excludes other species of animals and the provision of emotional support, comfort, or companionship.

The legislature further finds that the term “service animal” applies in the general context of the Americans with Disabilities Act, while the broader term “assistance animal”, which is used under the federal and state fair housing laws and rules, includes a wider category of animals that provide support, including emotional support animals and service animals. When a person with a disability requests the use of an assistance animal as a reasonable housing accommodation, the housing provider may ask for information, including verification from a treating health care professional, that the person has a disability, and the requested assistance animal is needed to alleviate one or more symptoms of the person’s disability. “Assistance animal” is defined in the State’s administrative rules, but not in statute.

To assist individuals requiring assistance animals and housing providers who are requested to make reasonable accommodations for assistance animals, the purpose of this Act is to:

- (1) Define “assistance animal” in the context of existing state law prohibiting discrimination in real property transactions;
- (2) Codify the administrative process to verify that a person requesting a reasonable accommodation that includes the use of an assistance animal has a disability and the assistance animal is needed to alleviate one or more symptoms of the person’s disability; and
- (3) Specify that possession of a vest or other distinguishing animal garment, tag, or registration document commonly purchased online and purporting to identify an animal as a service animal or assistance animal does not constitute valid verification of a disability-related need for an assistance animal.

SECTION 2. Section 515-3, Hawaii Revised Statutes, is amended to read as follows:

“§515-3 Discriminatory practices. (a) It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesperson, because of race[]; sex, including gender identity or expression[]; sexual orientation[]; color[]; religion[]; marital status[]; familial status[]; ancestry[]; disability[]; age[]; or human immunodeficiency virus infection:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction;

- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is available~~[- or to]~~; fail to bring a property listing to the person's attention~~[- or to]~~; refuse to permit the person to inspect real property~~[-]~~; or ~~[to]~~ steer a person seeking to engage in a real estate transaction;
- (6) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection with a real estate transaction;

~~[(7)]~~ To solicit or require as a condition of engaging in a real estate transaction that the buyer, renter, or lessee be tested for human immunodeficiency virus infection, the causative agent of acquired immunodeficiency syndrome;

~~[(8)]~~ To refuse to permit, at the expense of a person with a disability, reasonable modifications to existing premises occupied or to be occupied by the person if modifications may be necessary to afford the person full enjoyment of the premises; provided that a real estate broker or salesperson, where it is reasonable to do so, may condition permission for a modification on the person agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

~~[(9)]~~ To refuse to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation; provided that if reasonable accommodations include the use of an assistance animal, reasonable restrictions may be imposed; provided further that if the disability is not readily apparent, an owner or other person engaging in a real estate transaction may request information that verifies that the person has a disability, defined as a physical or mental impairment that substantially limits a major life activity. An owner or other person engaging in a real estate transaction shall not request medical records or access to health care providers, and shall not inquire as to the diagnosis, nature, or severity of the person's disability. If the disability-related need for an assistance animal is not readily apparent, an owner or other person engaging in a real estate transaction may request verification that the assistance animal is needed to alleviate one or more symptoms of the person's disability. Verification may be provided by a letter or other communication from the person's treating health care professional, mental health professional, or social worker. Possession of a vest or other distinguishing animal garment, tag, or registration documents that are commonly purchased online and purporting to identify an animal as a service animal or assistance animal shall not constitute valid verification;

~~[(10)]~~ In connection with the design and construction of covered multi-family housing accommodations for first occupancy after March 13, 1991, to fail to design and construct housing accommodations in such a manner that:

- (A) The housing accommodations have at least one accessible entrance, unless it is impractical to do so because of the terrain or unusual characteristics of the site; and

- (B) With respect to housing accommodations with an accessible building entrance:
 - (i) The public use and common use portions of the housing accommodations are accessible to and usable by persons with disabilities;
 - (ii) Doors allow passage by persons in wheelchairs; and
 - (iii) All premises within covered multifamily housing accommodations contain an accessible route into and through the housing accommodations; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; reinforcements in the bathroom walls allow installation of grab bars; and kitchens and bathrooms are accessible by wheelchair; or

~~[(11)]~~ To discriminate against or deny a person access to, or membership or participation in any multiple listing service, real estate broker’s organization, or other service, organization, or facility involved either directly or indirectly in real estate transactions, or to discriminate against any person in the terms or conditions of access, membership, or participation.

(b) For purposes of this section, “assistance animal” means an animal that is needed to perform disability-related work, services, or tasks for the benefit of a person with a disability or provide emotional support that alleviates one or more identified symptoms or effects of a person’s disability. “Assistance animals” may include but are not limited to service animals, therapy animals, comfort animals, or emotional support animals that may have formal training or may be untrained and may include species other than dogs.”¹

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on November 1, 2022.

(Approved June 27, 2022.)

Note

- 1. So in original.

ACT 155

S.B. NO. 2137

A Bill for an Act Relating to Transitional Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 321-193.7, Hawaii Revised Statutes, is amended by amending subsection (j) to read as follows:

“(j) The department shall establish a toll-free telephone number to receive complaints regarding clean and sober homes. The department and pertinent county agencies shall work together to resolve problems and complaints received by either the State or counties regarding clean and sober homes. The department shall educate the public on:

- (1) Clean and sober homes;
- (2) The department’s registry of clean and sober homes;
- (3) State and county procedures pertaining to clean and sober homes;
and
- (4) Contact information and procedures for inquiries and complaints related to clean and sober homes.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 156

S.B. NO. 2290

A Bill for an Act Relating to Microbeads.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that plastic microbeads in many beauty products are harmful to coral and marine life. Plastic microbeads can enter the ocean when they come off the skin of swimmers, or through the sewer system when they are eventually washed off in the shower, as they are too small to be filtered out by most treatment facilities, and can often absorb chemicals and toxins found in water along the way. Plastic microbeads can enter the ocean by the billions, which are then ingested by marine life, passing up through the food chain to the humans who eat fish.

The purpose of this Act is to phase in a prohibition on the manufacture and sale in the State of certain personal care products and non-prescription drugs that contain plastic microbeads. The legislature notes that nothing in this Act shall be construed to apply to rinse-off cosmetics and rinse-off cosmetics that are also non-prescription drugs, as these products are exclusively regulated by the federal government pursuant to the federal Microbead-Free Waters Act of 2015.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§321- Prohibition of plastic microbeads; personal care products; non-prescription drugs. (a) Beginning July 1, 2022, no person shall manufacture in the State a personal care product, except for a non-prescription drug, that contains plastic microbeads.

(b) Beginning July 1, 2023, no person shall:

- (1) Sell or offer for sale in the State a personal care product, except for a non-prescription drug, that contains plastic microbeads; or
- (2) Manufacture in the State a non-prescription drug that contains plastic microbeads.

(c) Beginning July 1, 2024, no person shall sell or offer for sale in the State a non-prescription drug that contains plastic microbeads.

(d) Nothing in this section shall be construed to apply to any rinse-off cosmetic or rinse-off cosmetic that is also a non-prescription drug as regulated pursuant to the federal Microbead-Free Waters Act of 2015, Public Law 114-114.

(e) As used in this section:

“Personal care product” means an article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing; beautifying; promoting hygiene or attractiveness; or altering one’s appearance; and any article intended for use as a component of the article. “Personal care product” does not include any prescription drug.

“Plastic microbead” means a solid plastic particle that is less than five millimeters in size and that is intended to be used to exfoliate or cleanse the human body or any part thereof.”

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 157

S.B. NO. 2600

A Bill for an Act Relating to Underground Storage Tanks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 342L, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§342L- Large capacity underground storage tank systems; prohibited. (a) Beginning July 1, 2022, the department shall not issue a permit for a new large capacity underground storage tank system mauka of the underground injection control line.

(b) Beginning July 1, 2022, no person shall operate a large capacity underground storage tank system mauka of the underground injection control line, and no permit for a large capacity underground storage tank system mauka of the underground injection control line shall be renewed; provided that this subsection shall not apply to operations necessary to address maintenance required to safely support defueling, environmental requirements, any operations directly related to defueling, or requirements under section 342L-9.

(c) As used in this section:

“Large capacity underground storage tank system” means an underground storage tank system with any single tank with a capacity greater than fifty thousand gallons or with a total tank capacity greater than one hundred thousand gallons.

“Mauka” means toward the mountains or the encircled protected aquifer.

“Underground injection control line” means the underground injection control line represented by a dashed line on the department of health underground injection control program maps, made effective July 6, 1984, pursuant to section 340E-2 and identified as follows:

- (1) For the island of Hawaii, quadrangles H-1 to H-74;
- (2) For the island of Kauai, quadrangles K-1 to K-11;
- (3) For the island of Lanai, quadrangles L-North and L-South;
- (4) For the island of Maui, quadrangles M-1 to M-17;
- (5) For the island of Molokai, quadrangles M-East and M-West; and

(6) For the island of Oahu, quadrangles O-1 to O-15.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 158

S.B. NO. 2624

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that many Hawaii residents are unable to obtain timely and appropriate health care and behavioral health care due to shortages of primary, specialty, and behavioral health care providers. Vulnerable residents, including the elderly, and rural residents experience even greater barriers to health care provider access. These barriers include issues relating to fixed or limited financial resources, lack of physical mobility or other disabilities, cognitive impairment, transportation, and a lack of readily accessible physicians and other health care providers.

Telehealth is a viable solution to maximize existing local resources and increase patient convenience and compliance. However, the best available data indicates that the use of telehealth is limited in the State. No more than fifteen per cent of practicing providers in the State report a telehealth experience, even though the State has some of the most progressive telehealth laws in the nation.

Preliminary findings from the 2017 State Telehealth Summit confirm that provider comfort and patient expectations are the most significant barriers to greater telehealth adoption. Department of health research, including direct observation of strong telehealth programs in other jurisdictions, reveals that staff support is needed to ensure that both the patient and technology are situated correctly for a telehealth encounter. Ideally, staff support should be situated at both the health care provider’s and the patient’s locations. However, support staff for the patient is critical when the patient is in a non-traditional health care setting, including a home, community center, or school.

The legislature further finds that establishing a telehealth pilot project will help provide the State’s health care providers and patients the benefits of telehealth, increase provider adoption of telehealth, support health care workforce development related to telehealth, and evaluate the clinical and administrative efficacy of various telehealth delivery models. The legislature notes that establishing a rural health care pilot project to pay an availability fee to eligible health care providers servicing rural areas will help encourage providers to prioritize these rural areas. In turn, an increase in provider prioritization of these rural areas will increase rural residents’ access to previously less-than-accessible medical specialties.

Accordingly, the purpose of this Act is to establish and fund telehealth and rural health care pilot projects.

SECTION 2. (a) The department of health shall implement a telehealth pilot project.

(b) The telehealth pilot project shall:

- (1) Assist residents at two distinct project sites, both of which shall have a medically underserved area designation by the Health Resources and Services Administration of the United States Department of Health and Human Services; provided that one site shall be located in a county with a population of less than five hundred thousand and the other site shall be located in a county with a population of more than five hundred thousand;
- (2) Utilize telehealth as the primary means to deliver health care; and
- (3) Include at least one federally-qualified health center or rural health clinic in each project site.

(c) Within six months of the exhaustion of all telehealth pilot project funds, the department of health shall make available to the public an evaluation report on the telehealth pilot project's outcomes, including the quality of care, patient satisfaction, training and workforce development issues, and the financial sustainability of telehealth activities.

SECTION 3. (a) The department of health shall implement and administer a rural health care pilot project.

(b) The rural health care pilot project shall:

- (1) Assist residents in three distinct rural areas, one each on the islands of Maui, Molokai, and Lanai; provided that the area selected on the island of Maui shall be in the Hana district;
- (2) Pay a \$250 availability fee to each contracted licensed physician or nurse practitioner providing health care services in one or more of the areas selected pursuant to paragraph (1); provided that each physician or nurse practitioner shall practice in a specialty that is difficult for rural residents to access, including but not limited to cardiology, gastroenterology, endocrinology, dermatology, nephrology, and psychiatry; provided further that the availability fee shall be separate from, and in addition to, any charges billed by the physician or nurse practitioner; and
- (3) Reimburse each contracted physician or nurse practitioner for any costs, including airfare, lodging costs, and a per diem, that the physician or nurse practitioner deems necessary to provide in-person health care services to patients in the areas selected pursuant to paragraph (1).

(c) Within six months of the exhaustion of all rural health care pilot project funds, the department of health shall submit to the legislature an evaluation report on the rural health care pilot project's outcomes, including the quality of care, patient satisfaction, training and workforce development issues, the financial sustainability of the pilot project, and any proposed legislation.

(d) The department of health shall contract with eligible physicians and hospitals, including but not limited to those within the networks of Hawaii Pacific Health, The Queen's Health Systems, and Kaiser Permanente, to carry out the rural health care pilot project.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the telehealth pilot project established pursuant to section 2 of this Act.

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The sum appropriated shall be expended by the department of health for the purposes of section 2 of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the rural health care pilot project established pursuant to section 3 of this Act.

The sum appropriated shall be expended by the department of health for the purposes of section 3 of this Act.

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 159

S.B. NO. 2679

A Bill for an Act Relating to Driver's Licenses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-106, Hawaii Revised Statutes, is amended to read as follows:

“§286-106 Expiration of licenses. Every driver's license issued under this part, except for a provisional license issued under section 286-102.6 ~~[which]~~ that shall expire on the date of the provisional licensee's nineteenth birthday, whether an original issuance or a renewal, shall expire on the first birthday of the licensee occurring ~~[not]~~ no less than eight years after the date of the issuance of the license, unless sooner revoked or suspended; provided that:

(1) The license shall expire on the first birthday of the licensee occurring ~~[not]~~ no less than four years after the date of the issuance if, at the time, the licensee is ~~[twenty-four]~~:

(A) Twenty-four years of age or younger; or

(B) Seventy-two years of age or older but younger than eighty years of age;

(2) The license shall expire on the first birthday of the licensee occurring ~~[not]~~ no less than two years after the date of the issuance of the license if, at that time, the licensee is ~~[seventy-two]~~ eighty years of age or older; and

(3) If the licensee is a legal immigrant, the license shall expire no later than the licensee's authorized period of stay in the United States.

The examiner of drivers may issue a license for a shorter period if the licensee has a physical condition or conditions that the examiner of drivers reasonably believes may impair the driver's ability to drive.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2023.

(Approved June 27, 2022.)

ACT 160

S.B. NO. 3113

A Bill for an Act Relating to Kupuna Care Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to improve government efficiency by amending part II of chapter 349, Hawaii Revised Statutes, entitled kupuna care and caregiver support services, to incorporate the kupuna caregivers program into the kupuna care program.

SECTION 2. Section 349-16, Hawaii Revised Statutes, is amended as follows:

1. By adding four new definitions to be appropriately inserted and to read:

“Caregiver” means a spouse, adult child, other relative, partner, or friend who has a personal relationship with and provides a broad range of unpaid assistance for an older adult having a chronic or disabling condition.

“Caregiver support services” means services that offer education, skills, knowledge, or mental, emotional, or social support to employed caregivers.

“Employed caregiver” means an individual who:

(1) Provides care for a care recipient; and

(2) Is employed at least twenty hours per week by one or more employers or is self-employed.

“Financial management service provider” means an agency under contract with the executive office on aging to act as the fiscal and employer agent on behalf of a care recipient to manage employer-related functions, process payment to employees and vendors, and monitor the care recipient’s allocation of funds.”

2. By amending the definitions of “aging and disability resource centers” and “attendant care” to read:

“Aging and disability resource centers” means an entity established by the State as part of the state system of long-term care, serving as a highly visible and trusted source where people of all incomes and ages can [get] obtain information on the full range of long-term support options, and as a single point of entry for access to public long-term support programs and benefits.

“Attendant care” means standby assistance, supervision, or cues, including verbal prompts for medication, bathing, eating, grooming, and dressing, and may also include other activities to help maintain the independence of an individual at home. “Attendant care” does not include physical contact in support, including [but not limited to] weight-bearing assistance with transfers, washing, bathing, and dressing.”

3. By amending the definitions of “care recipient” and “case management” to read:

“Care recipient” means an individual who:

(1) Is a citizen of the United States or a qualified alien; provided that for the purposes of this paragraph, “qualified alien” means a lawfully admitted permanent resident under the Immigration and Nationality Act;

(2) Is sixty years of age or older;

(3) Is not covered by any comparable government or private home- and community-based care service, except or excluding kupuna care services;

- (4) Does not reside in a long-term care facility, such as an intermediate care facility, assisted living facility, skilled nursing facility, hospital, adult foster [family] home, community care foster family home, adult residential care home, ~~[or]~~ expanded adult residential care home[-]; or developmental disabilities domiciliary home; and
- (5) Has impairments of at least:
 - (A) Two activities of daily living;
 - (B) Two instrumental activities of daily living;
 - (C) One activity of daily living and one instrumental activity of daily living; or
 - (D) Substantive cognitive impairment requiring substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or another person.

“Case management” means assistance either in the form of access or care coordination in circumstances where an individual is experiencing diminished functioning capacities, personal conditions, or other characteristics that require the provision of services by formal service providers, caregivers, or [family] employed caregivers. Activities of case management may include assessing needs, developing care plans, authorizing and coordinating services among providers, and providing follow-up and reassessment, as required.”

4. By amending the definition of “homemaker services” to read:

““Homemaker [~~services~~]” means a person who provides assistance with preparing meals, shopping for personal items, managing money, using the telephone, or performing light housework.”

5. By amending the definitions of “kupuna care core services”, “person-centered planning”, and “person-centered support plan” or “support plan” to read:

““Kupuna care [~~core~~] services” means [~~services consisting of~~]:

- (1) Services for the employed caregiver, including:
 - (A) Adult day care;
 - (B) Respite care; and
 - (C) Caregiver support services;
- (2) Services for the care recipient, including:
 - (A) Attendant care;
 - ~~[(3)]~~ (B) Case management;
 - (C) Care coordination;
 - ~~[(4)]~~ (D) [~~Chores;~~] Chore;
 - ~~[(5)]~~ (E) Homemaker [~~services~~];
 - ~~[(6)]~~ (F) Home-delivered meals;
 - ~~[(7)]~~ (G) Personal care;
 - ~~[(8)]~~ (H) Transportation; ~~[or]~~
 - ~~[(9)]~~ (I) Assisted transportation[-]; or
 - (J) Respite care for employed caregivers.

“Person-centered planning” means a process[-, directed by the care recipient-] intended to identify the strengths, capacities, preferences, needs, and desired outcomes of the care recipient[-], caregiver, or employed caregiver.

“Person-centered support plan” or “support plan” means a plan developed by a care recipient [~~with the assistance of a coach~~], caregiver, or employed caregiver that allows the care recipient, caregiver, or employed caregiver to establish the goals, skills, and knowledge necessary to work toward the desired outcomes and lays out practical steps toward the achievement of the goals; provided that family members and friends may provide assistance in developing a care recipient’s plan if the care recipient chooses to include them.”

6. By amending the definition of “respite care” to read:

““Respite care” means services that offer temporary, substitute supports, or living arrangements for care recipients to provide a brief period of rest to ~~[qualified]~~ employed caregivers. “Respite care” includes:

- (1) In-home respite (personal care, homemaker ~~[services]~~, and other in-home respite);
- (2) Respite provided by attendance of the care recipient at a nonresidential program;
- (3) Institutional respite provided by placing the care recipient in an institutional setting such as a nursing home for a short period of time as a respite service to the employed caregiver; and
- (4) Any combination of services to assist the employed caregiver as deemed appropriate by the area agency on aging.”

7. By deleting the definition of “coach”.

~~[““Coach” means an individual who:~~

- ~~(1) Helps the care recipient understand the program of participant-directed services and support;~~
- ~~(2) Develops and implements a spending plan to describe how the care recipient will spend the care recipient’s budget; and~~
- ~~(3) Evaluates whether the participant-directed service and support program is meeting the care recipient’s needs.”]~~

8. By deleting the definition of “family caregivers”.

~~[““Family caregivers” means a spouse, adult child, other relative, partner, or friend who has a personal relationship with, and provides a broad range of unpaid assistance for an older adult with a chronic or disabling condition.”]~~

9. By deleting the definition of “qualified caregiver”.

~~[““Qualified caregiver” means an individual who meets the following requirements:~~

- ~~(1) Provides care for a care recipient; and~~
- ~~(2) Is employed at least thirty hours per week by one or more employers.”]~~

SECTION 3. Section 349-17, Hawaii Revised Statutes, is amended to read as follows:

~~“[§349-17] **Kupuna care program.** (a) The executive office on aging may establish the kupuna care program. The program shall provide an array of long-term services and supports to address the needs of Hawaii’s older adults [and their desire to remain in their own homes and communities as they age.] to age in place and avoid institutionalization and to provide support services to caregivers or employed caregivers in their efforts to assist older adults to continue residing in their homes.~~

~~(b) The program shall be coordinated and administered by the executive office on aging and implemented through the area agencies on aging.~~

~~(c) To qualify for the kupuna care program, an individual shall be a care recipient, caregiver, or employed caregiver as defined in section 349-16.~~

~~(d) An area agency on aging, through the aging and disability resource center or any other entity designated by the executive office on aging, shall determine eligibility for the program, which may include the following:~~

- ~~(1) An intake process to preliminarily determine eligibility for publicly funded services and supports, including kupuna care services;~~
- ~~(2) A comprehensive in-home assessment of the care recipient or a caregiver assessment, if necessary; and~~
- ~~(3) A written, individualized, person-centered support plan that identifies all services and supports needed or currently used to meet the~~

needs of the care recipient, caregiver, or employed caregiver, including those provided by other programs such as medicaid or privately paid programs.

(e) An area agency on aging shall use the assessment data and individual's support plan to confirm kupuna care program eligibility before authorizing and coordinating services and supports. An area agency on aging shall authorize and allot kupuna care services and shall not delegate the service authorization function to the agency's subcontractors.

[(e)] (f) The kupuna care program shall be delivered through two distinct service options: traditional service delivery or participant-directed services and support, based on an [individual] individualized, person-centered support plan for each eligible care recipient[; caregiver, or employed caregiver; provided that:

- (1) Traditional service delivery shall be by a service provider [organization or person who provides services to clients under a formal contractual arrangement with the executive office on aging or area agency on aging who shall deliver to each care recipient one or more kupuna care core services to address the care recipient's specific needs that have been identified in the care recipient's person-centered support plan; and] that provides services to care recipients, caregivers, and employed caregivers under a formal contractual arrangement with the executive office on aging or applicable area agency on aging; and
- (2) Participant-directed services and support shall address the care recipient's assessed needs [that have been identified through the person-centered planning process and documented in the support plan. Participant directed services and support shall consist of long term services and supports that a care recipient uses to maintain independence in the community, in which the care recipient determines what mix of services and support will address the care recipient's needs.] through person-centered planning. The care recipient shall have decision-making authority over [the care recipient's budgeted dollar amount] their own budget to purchase and manage [the] their needed services and supports based upon [the care recipient's] their person-centered support plan. [Participant directed services and support shall provide the care recipient with a coach to assist the care recipient with using the services and support in a manner that best supports the care recipient's ability to maintain independence and enable a quality living experience in the community.

(d) To qualify for the kupuna care program, an individual shall be a care recipient as defined in section 349-16.

(e) An area agency on aging, through the aging and disability resource center or other entity designated by the executive office on aging, shall conduct an intake and assessment of individuals seeking long-term services and supports to determine eligibility for the program. The intake and assessment shall include the following:

- (1) A statewide uniform intake process developed with and adopted by the executive office on aging to preliminarily determine eligibility for publicly funded services and supports, including kupuna care services; and
- (2) An assessment of the eligible care recipient utilizing a statewide, uniform comprehensive in-home assessment, if necessary. Upon completion of the in-home assessment, the care recipient develops a written individualized person-centered support plan with:

- (A) ~~The assistance of a coach in the preparation of the support plan; and~~
- (B) ~~Participation from family, friends, and others, if the care recipient desires such additional assistance.~~

~~The support plan identifies all the services and supports needed or currently used to meet the care recipient's needs, both formal and informal, including those provided by other programs such as medicaid or private paid programs. The plan shall be reviewed with the care recipient to confirm that it is the plan the care recipient desires.~~

~~(f) An area agency on aging shall use the assessment data and individual's support plan to confirm kupuna care program eligibility, then authorize and coordinate services and supports. An area agency on aging shall directly authorize and allot kupuna care services, and shall not delegate the service authorization function to its subcontractors.]~~

(g) An individual shall be determined to be ineligible for kupuna care services when:

- (1) ~~[An]~~ The individual does not meet the eligibility requirements specified;
- (2) ~~[An individual]~~ The individual's need is not substantiated through an in-home assessment;
- (3) ~~[An]~~ The individual leaves the State or the individual's whereabouts are unknown; or
- (4) ~~[An]~~ The individual refuses services.

(h) An area agency on aging shall provide an individual with written notice of the disposition of ~~[the request]~~ ineligibility for kupuna care services.

~~(i) An individual who has been determined ineligible for kupuna care services shall have the opportunity to appeal the decision to the [director of the executive office on aging within ninety days after the date of notice of the area agency on aging's written disposition. The director of the executive office on aging's decision on the appeal shall be issued in writing and shall be final.] applicable area agency on aging.~~

(j) Prior to termination of kupuna care services, service providers shall notify the ~~[appropriate contracting]~~ applicable area agency on aging of the date and reason for termination. Termination of kupuna care services may occur if the care recipient~~[:], caregiver, or employed caregiver:~~

- (1) Moves and the provider is unable to locate the care recipient[:], caregiver, or employed caregiver;
- (2) Is transferred to another area agency on aging;
- (3) Dies;
- (4) No longer needs or wants kupuna care services and supports, or no longer needs or wants a particular kupuna care service or support;
- (5) Is uncooperative with the service provider;
- (6) Is noncompliant with the basic requirements of the program;
- (7) Engages in behavior that threatens or demonstrates violence toward the service provider;
- (8) Is placed or resides in a long-term care facility, such as an intermediate care facility, assisted living facility, skilled nursing facility, hospital, community care foster [care] family home, adult foster [family] home, adult residential care home, ~~[or]~~ expanded adult residential care home[:], or developmental disabilities domiciliary home;
- (9) Uses comparable services from other programs; or
- (10) Has a communicable disease that threatens the safety and welfare of the service provider.

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(k) All area agencies on aging shall record all consumer data, assessments, and service delivery within a statewide consolidated database.

(l) The kupuna care program shall award an allocation of funds to cover costs for services, subject to availability of funding; provided that the allocated funds shall be issued directly to the service provider or financial management service provider upon request and receipt of an invoice for services rendered.

(m) The executive office on aging shall develop an outreach plan to inform individuals of the kupuna care program and services of the program.

(n) The executive office on aging shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, on the kupuna care program. The report shall include, at minimum:

(1) The number of individuals who participate in the kupuna care program, including the types of programs in which they participate; and

(2) The number of individuals on a program waitlist, including the types of programs for which they are on a waitlist.

[(4)] (o) The director may adopt rules pursuant to chapter 91 necessary for the purposes of this section.”

SECTION 4. Section 349-18, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 161

S.B. NO. 3121

A Bill for an Act Relating to Funding for Parking for Disabled Persons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“§291- Costs. Beginning July 1, 2023, all costs associated with the statewide parking for persons with disabilities program shall be paid using moneys appropriated from the accessible parking special account established pursuant to section 348F- .”

SECTION 2. Chapter 348F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§348F- Accessible parking special account. (a) There is established within the disability and communication access board special fund the accessible parking special account to be administered by the disability and communication access board, into which shall be deposited \$1 from each annual motor vehicle registration fee pursuant to section 249-31(b). All interest earned or accrued on the moneys shall become part of the special account.

(b) Moneys in the accessible parking special account shall be expended to cover the costs to administer the statewide parking program for persons with disabilities under part III of chapter 291.”

SECTION 3. Section 249-31, Hawaii Revised Statutes, is amended to read as follows:

“**§249-31 State registration fee.** (a) All vehicles and motor vehicles in the State as defined in section 249-1, including antique motor vehicles, except as otherwise provided in sections 249-4, 249-6, and 249-31.5, shall be subject to a [~~\$45~~] \$46 annual vehicle registration fee; provided that electric vehicles and alternative fuel vehicles shall pay an annual vehicle registration surcharge fee of \$50, which shall be assessed and collected beginning with the first registration renewal for every electric vehicle and alternative fuel vehicle and shall be deposited into the state highway fund established under section 248-8. The fee shall be paid each year together with all other taxes and fees levied by this chapter on a staggered basis as established by each county as authorized by section 286-51, and the state registration for that county shall likewise be staggered so that the state registration fee is due and payable at the same time and shall be collected together with the county fee. The state registration fee shall be deemed delinquent if not paid with the county registration fee. The respective counties shall collect this fee together with the vehicle registration tax collected for the county and shall transfer the moneys collected under this section to the State.

(b) In addition to the annual vehicle registration surcharge fee, for each annual motor vehicle registration fee, the director shall deposit \$40 into the state highway fund [~~and~~], \$5 into the emergency medical services special fund[-], and \$1 into the accessible parking special account.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on January 1, 2023.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 162

S.B. NO. 3367

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, according to the Centers for Disease Control and Prevention, lung cancer is the leading cause of cancer deaths for men and women in the United States. In 1987, lung cancer surpassed breast cancer to become the leading cause of cancer deaths in women. The National Institutes of Health estimated that medical expenditures for cancer cost the United States an overall \$147,500,000,000 in 2015, \$13,400,000,000 of which was due to lung cancer. Lost productivity due to early death from cancer cost the United States an additional \$134,800,000,000 in 2005, \$36,100,000,000 of which was caused by lung cancer.

The legislature further finds that, according to the National Cancer Institute's SEER Cancer Statistics Review, between 2011 and 2017, the five-year survival rate for lung cancer was approximately 21.7 per cent. This is lower than the survival rates of many other leading cancers, including colorectal cancer (64.7 per cent), breast cancer (90.3 per cent), and prostate cancer (97.5 per cent). The five-year survival rate for lung cancer is 59.8 per cent for cases detected when the disease is still localized, meaning the cancer is found only in the part of the body where it started. However, only 17.8 per cent of lung cancer cases are diagnosed at an early stage. For distant tumors, which are tumors spread to other organs, the five-year survival rate is only 6.3 per cent. More than half of people with lung cancer die within one year of diagnosis.

According to the American Lung Association's 2021 State of Lung Cancer report, in Hawaii lung cancer is also the number one killer of men and women. The report ranks Hawaii last in the nation for the early diagnosis of lung cancer. The study found that just 2.8 per cent of high-risk people in Hawaii undergo annual computerized tomography scans that capture detailed pictures of the lungs, compared to 5.7 per cent nationally. In a state-by-state analysis, the American Lung Association also found that just nineteen per cent of lung cancer cases in Hawaii are diagnosed early, compared to 24.5 per cent nationally. The American Lung Association report further found that the rate of new lung cancer cases for Native Hawaiians in Hawaii is one hundred twenty-six per one hundred thousand, dramatically higher than the rates for indigenous peoples nationally and for Caucasians in Hawaii.

The legislature also finds that the United States Preventive Services Task Force has recommended that smokers and former smokers who are at high risk of developing lung cancer undergo computerized tomography scans. In March 2021, the United States Preventive Services Task Force expanded its recommendation for screening to include a larger age range and more current and former smokers. An annual lung cancer screening with low-dose computed tomography is now recommended for adults ages fifty to eighty years who have a twenty pack-year smoking history and currently smoke or have quit within the past fifteen years. This expansion will dramatically increase the number of Hawaii residents considered at high risk for lung cancer.

The purpose of this Act is to establish an early lung cancer screening task force to research the steps and resources necessary to increase early lung cancer screening in Hawaii.

SECTION 2. (a) There is established within the comprehensive cancer control program in the department of health chronic disease prevention and health promotion division an early lung cancer screening task force to research the steps and resources necessary to increase early lung cancer screening in Hawaii.

(b) The task force shall consist of:

- (1) A representative from the office of the governor, to be appointed by the governor;
- (2) A representative from the senate, to be appointed by the president of the senate;
- (3) A representative from the house of representatives, to be appointed by the speaker of the house of representatives;
- (4) A representative from the department of health;
- (5) A representative from the department of human services;
- (6) A representative from the University of Hawaii John A. Burns school of medicine;
- (7) A representative from the University of Hawaii cancer center; and

- (8) A representative from each county.
- (c) The chairperson of the task force shall invite the following individuals to become members of the task force:
 - (1) A representative from the United States Department of Veterans Affairs;
 - (2) A representative from each health insurer operating in the State, including TRICARE;
 - (3) A representative from each health care system operating in the State, including but not limited to The Queen's Health Systems, Hawaii Pacific Health, Kaiser Permanente Hawaii, federally qualified health centers, Native Hawaiian health centers, and Tripler Army Medical Center;
 - (4) A representative from the American Lung Association;
 - (5) A representative from the American Cancer Society;
 - (6) A representative from the Hawaii Primary Care Association;
 - (7) At least one representative from an organization representing health care providers with relevant expertise on lung cancer screening; and
 - (8) Any other members, including representatives from state agencies, stakeholders, or advocates, as recommended by a majority of the task force.
- (d) The task force shall select a chairperson from among the members listed in subsection (b).
- (e) Members of the task force shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.
- (f) The task force shall:
 - (1) Review all available research, studies, and models for increasing early lung cancer screening rates in the State;
 - (2) Conduct or initiate new studies as it deems necessary; and
 - (3) Create a public awareness campaign to inform Hawaii residents about early lung cancer screening.
- (g) The task force may contract with consultants to conduct studies as it deems necessary for the purpose of recommending an early lung cancer screening program and funding mechanism. Any contract executed pursuant to this Act shall be exempt from chapter 103D, Hawaii Revised Statutes; provided that the early lung cancer screening task force shall ensure transparency when executing the contract.
- (h) The task force shall submit an interim report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023.
- (i) The task force shall submit a final report of its findings and recommendations, including any proposed legislation, to the legislature no later than July 31, 2023. The report shall include:
 - (1) An analysis of the costs associated with early lung cancer screening;
 - (2) A list of qualified facilities in the State that perform lung cancer screenings;
 - (3) Protocols for health care providers and health care systems to identify populations at high risk for lung cancer;
 - (4) An explanation of how health care providers are made aware of available insurance coverage for early lung cancer screenings;
 - (5) Copies of guidelines used by health insurance providers to determine coverage for early lung cancer screening;
 - (6) A discussion of cultural and social barriers associated with lung cancer screenings;

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- (7) Policy recommendations for increasing early lung cancer screenings; and
- (8) A work plan that identifies the steps needed in the next five years to increase lung cancer screenings in the State.
- (j) The task force shall cease to exist on July 31, 2023.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the early lung cancer screening task force to carry out its activities pursuant to this Act.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 163

H.B. NO. 1432

A Bill for an Act Relating to Concessions on Public Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that section 102-2, Hawaii Revised Statutes, provides that concessions on public property are to be granted by sealed top-dollar bid, with limited exceptions.

Section 102-2, Hawaii Revised Statutes, also allows some concessions to be exempt from bidding requirements because a person or entity offering the most money may not be the best suited or qualified to meet the government's goals to preserve public-owned assets, such as parks, or may not be best suited or qualified to serve the needs of the public, including the enhancement of customer and visitor experiences. Thus, the legislature finds that the controlling factors in the award of concessions should not be limited to pricing or whether a concession is operated by a for profit or nonprofit entity.

The legislature also finds that requiring concessionaires to incur construction costs pose challenges. While public leases may be granted for up to sixty-five years, concession contracts may not exceed fifteen years, making it difficult for agencies to find concessionaires who are willing to invest in the necessary capital improvements to provide satisfactory concession services to visitors and residents of the State. It is difficult for potential concessionaires to generate sufficient revenues to support operations while amortizing the concessions' construction and other costs at the current lease and contract lengths of fifteen years. Accordingly, the legislature believes that it is in the public's best interests to provide flexibility and to authorize the increase of the maximum length of a concession contract. Furthermore, a determination as to whether a county park is environmentally, culturally, historically, or operationally unique for the purpose of determining whether a concession should be exempt from sealed bidding requirements should be made by the director of parks and recreation of the respective county.

The purpose of this Act is to facilitate the provision of concession services to the public by:

- (1) Increasing the maximum length of concession contracts;

- (2) Exempting certain operations of ground transportation services and parking lot operations at small boat harbors from the sealed bid requirements;
- (3) Exempting concessions for beach or ocean-related recreational services from the sealed bid requirements, with certain conditions;
- (4) Providing that a county director of parks and recreation has sole discretion to designate which county parks are environmentally, culturally, historically, or operationally unique for purposes of determining whether a concession at the park is exempt from the sealed bid requirements; and
- (5) Expanding the exemption from the sealed bid requirements for concessions at county zoos, botanic gardens, or county parks that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique; provided that the concessions are awarded to responsible offerors whose proposals are the most advantageous, rather than solely to certain nonprofit corporations.

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

“(a) Except as otherwise specifically provided by law, no concession or concession space shall be leased, let, licensed, rented out, or otherwise disposed of either by contract, lease, license, permit, or any other arrangement, except under contract let after public notice for sealed bids in the manner provided by law; provided that the duration of the grant of the concession or concession space shall be related to the investment required but in no event to exceed [~~fifteen~~] twenty-five years for the initial term, and if amended, any then remaining term plus any agreed extension thereof awarded or granted by the government agency making a lease or contract or other arrangement relating to a concession; provided further that and subject to approval by county council resolution, the [~~fifteen-year~~] twenty-five-year limit shall not apply to nonprofit corporations organized pursuant to chapter 414D.

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

- (1) For operation of ground transportation services and parking lot operations at airports[.] and small boat harbors, except for motor vehicle rental operations under chapter 437D;
- (2) For lei vendors;
- (3) For airline and aircraft operations;
- (4) For automated teller machines and vending machines, except vending machines located at public schools operated by blind or visually handicapped persons in accordance with section 302A-412;
- (5) For operation of concessions set aside without any charge;
- (6) For operation of concessions by handicapped or blind persons; except concessions operated in the public schools by blind or visually handicapped persons in accordance with section 302A-412;
- (7) For operation of concessions on permits revocable on notice of thirty days or less; provided that no such permits shall be issued for more than a one year period;
- (8) For operation of concessions or concession spaces for a beach service association dedicated to the preservation of the Hawaii beach boy tradition, incorporated as a nonprofit corporation in accordance with state law, and whose members are appropriately licensed or certified as required by law;

- (9) For operation of concessions or concession spaces providing for beach or ocean-related recreational services; provided that the concessions are awarded to the responsible offeror whose proposal is determined to be most advantageous, taking into consideration prices and evaluation factors set forth in the request for proposals;
- [(9)] (10) For operation of concessions at county zoos, botanic gardens, or [other] county parks [which] that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique and are supported[.] by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting county aims and goals of the zoo, botanic garden, or [other] designated county park, and operating under agreement with the appropriate agency solely for [such] those purposes, aims, and goals;
- (11) For operation of concessions at county zoos, botanic gardens, or county parks that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique; provided that the concessions are awarded to the responsible offeror whose proposal is determined to be the most advantageous, taking into consideration prices and evaluation factors set forth in the request for proposals;
- [(10)] (12) For operation of concessions that furnish goods or services for which there is only one source, as determined by the head of the awarding government agency in writing; provided that the written determination shall be included in the contract file;
- [(11)] (13) For any of the operations of the Hawaii health systems corporation and its regional system boards;
- [(12)] (14) For airport operation of concessions; [and]
- [(13)] (15) For the operations of the natural energy laboratory of Hawaii authority."

SECTION 3. Section 171-56, Hawaii Revised Statutes, is amended to read as follows:

“§171-56 Contract or license for concessions or concession space. The board of land and natural resources may, subject to chapter 102, dispose of concessions, as defined in chapter 102, and shall enter into contracts or issue licenses for such concessions; provided that the duration of the contract or license shall be related to the investment required, but in no event to exceed [~~fifteen~~] twenty-five years.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 164

H.B. NO. 1472

A Bill for an Act Relating to the Withdrawal of Petition Signatures.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-6]]~~ **Petitions; withdrawal of signatures. Wherever in this chapter the signatures of registered voters are required on a petition, any voter who, after signing a petition, seeks to withdraw the voter’s signature may do so by providing notice in writing to the chief election officer any time before the filing of the petition. The notice shall include ~~[the name, social security number, address, and birthdate of the voter and must be signed by the voter with the name under which the voter is registered to vote.]~~ the voter’s name, residence address, the month and date portions of the voter’s date of birth, the voter’s signature, and a statement that the voter wishes to remove the voter’s signature from the petition; provided that the written notice shall not require the voter’s social security number or any portion thereof and the year portion of the voter’s date of birth. Upon receipt of that notice containing the information required by this section, the chief election officer shall notify the group or individual to whom the petition was issued and the signature of the individual shall not be counted.”**

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 165

H.B. NO. 1475

A Bill for an Act Relating to Mandatory Ethics Training.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that requiring all state legislators and employees to be aware of and knowledgeable about the state ethics code is in the best interests of the State. Regular training on the state ethics code will ensure that state legislators and employees are aware of current ethics laws and will increase the public’s confidence in state government.

Accordingly, the purpose of this Act is to establish live and online ethics training courses to be designed and administered by the state ethics commission and make ethics training mandatory for all state legislators and employees.

SECTION 2. Section 84-42, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§84-42]]~~ **Mandatory ethics training course. ~~[All state officers and employees enumerated in section 84-41]~~ (a) Legislators, members of the board of education, trustees of the office of Hawaiian affairs, the governor, the lieutenant governor, executive department heads and deputies, and every other person whose financial disclosure statement is a public record pursuant to section 84-17(d) shall complete [an] a live ethics training course administered by the state**

ethics commission [as provided in this part. For the purposes of this part, “ethics training” includes education and training in:

- (1) The ethics laws set forth in this chapter; and
- (2) The lobbying laws set forth in chapter 97.] within ninety days of taking office and at least once every four years thereafter.

(b) All other employees shall complete either a live or an online ethics training course developed pursuant to section 84-43(c) and administered by the state ethics commission within ninety days of becoming an employee and at least once every four years thereafter.”

SECTION 3. Section 84-43, Hawaii Revised Statutes, is amended to read as follows:

“§84-43 Ethics training [course.] courses; live and online. (a) The state ethics commission shall establish, design, supervise, and conduct live and online ethics training courses for [~~the officers and employees to whom this part applies.~~] all persons required to complete training under section 84-42.

(b) The live ethics training course may be conducted in person or via videoconference and shall include:

- (1) Explanations and discussions of the ethics laws, administrative rules, and relevant internal policies;
- (2) Specific technical and legal requirements;
- (3) The underlying purposes and principles of ethics laws;
- (4) Examples of practical application of the laws and principles; and
- (5) A question-and-answer participatory segment regarding common problems and situations.

The state ethics commission shall develop the methods and prepare any materials necessary to implement the live ethics training course.

(c) The online ethics training course shall include explanations, discussions, and examples of the practical application of ethics laws and principles as the state ethics commission deems appropriate. The state ethics commission shall develop the methods and prepare any materials necessary to implement the online ethics training course, which may include previously recorded ethics training courses originally conducted either in person or via videoconference and any other prerecorded material authorized by the state ethics commission.

[~~(e)~~] (d) The state ethics commission shall:

- (1) [~~Administer~~] Design and administer the live ethics training [course.] courses;
- (2) Designate those of its legal staff who are to conduct the live ethics training course; [and]
- (3) Notify each [~~officer~~] legislator or employee [enumerated in section 84-41], either directly or via the employee’s employing agency, that their attendance or participation in [this] an applicable ethics training course is mandatory[.]; provided that a legislator’s or employee’s non-receipt of notice shall not be a defense to a charge concerning a violation of this chapter; and
- (4) Design and administer the online ethics training course.

[~~(d)~~] (e) The state ethics commission may repeat the live course as necessary to accommodate all persons who are required to attend.

[~~(e)~~] (f) Each state agency shall provide to the state ethics commission in a timely manner the names and electronic mail addresses of those persons required to take the applicable course [in a timely manner] and shall assist the commission by providing adequate meeting facilities, equipment, and technical support as needed for the ethics training [course.] courses.”

SECTION 4. Section 84-41, Hawaii Revised Statutes, is repealed.

SECTION 5. Notwithstanding any law to the contrary, all state legislators and employees who are in active service on the effective date of this Act shall successfully complete a live or an online ethics training course, as applicable, within twelve months following the effective date of this Act and at least once every four years thereafter; provided that the requirement to successfully complete an ethics training course within the twelve month period immediately following the effective date of this Act shall not apply to those state legislators or employees who, within the past three years from the effective date of this Act, have successfully completed a live or an online ethics training course, as applicable.

SECTION 6. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 7. This Act shall take effect on January 1, 2023.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 166

H.B. NO. 1883

A Bill for an Act Relating to Elections.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that non-English speaking voters should be adequately apprised of language translation services including when voting by mail. The legislature further finds that during the 2020 elections, voters on Oahu were provided notice on the outside of the back of the mailed ballot package that language translation services were available at the city clerk's office. This notice was provided in two languages, Ilocano and Chinese. Non-English-speaking voters who spoke another language or who lived in one of the other counties were not provided with this information, nor was the notice provided in the other official state language, Hawaiian.

The legislature additionally finds that Hawaii is the most diverse state in the country with a diversity index of seventy-six per cent. The April 2016 department of business, economic development, and tourism research and economic analysis division report on the non-English speaking population in Hawaii indicated that the number of non-English speakers at home increased by forty-four per cent from 1980 to 2014, and that Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home, comprising approximately half of the non-English speakers.

Further, the State's language access laws require state entities to provide written translations of vital documents to limited English proficient persons where the limited English proficient group constitutes five per cent of the population of persons or one thousand persons, whichever is less, eligible to be served or likely to be affected or encountered. Since language translation services are already required and used by the State and counties for in-person voting, requiring a brief notice on the outside mailing envelope that includes the ballot package should not be difficult to accomplish.

Accordingly, the purpose of this Act is to require the exterior of the envelope containing the ballot package for elections by mail to include instructions on how to obtain language translation services in Hawaiian and certain other non-English languages.

SECTION 2. Section 11-102, Hawaii Revised Statutes, is amended to read as follows:

“§11-102 Procedures for conducting elections by mail. (a) Ballot packages for elections by mail shall include:

- (1) An official ballot;
- (2) A return identification envelope with postage prepaid;
- (3) A secrecy envelope or secrecy sleeve; and
- (4) Instructions.

(b) To the extent practicable, the clerk shall mail a ballot package by non-forwardable mail to each registered voter in the county so as to enable voters to receive the ballot package at least eighteen days before the election; provided that the State and counties shall not be liable if the ballot package is received fewer than eighteen days before the election. The clerk shall continue mailing ballot packages to voters who register to vote no later than ten days before the date of the election and to voters who update their voter registration address no later than seven days before the date of the election and who have not yet voted; provided that the clerk may continue mailing ballot packages beyond the deadlines established by this subsection if the clerk determines that there is reasonable time for a voter to receive and submit the ballot package before the election. In determining the initial mailing date of the ballot packages, the clerk shall consider the mailing place of origin and the most recent postal service delivery standards. The clerk shall not mail a ballot package to any voter in the county register who is identified as having an outdated or non-deliverable mailing address. Nothing in this part shall be construed to change the responsibilities of the clerk or chief election officer under chapter 15 with respect to voters requesting to vote by absentee ballot or chapter 15D with respect to uniform military and overseas voters.

(c) The exterior of the envelope containing the ballot package shall include instructions on how to obtain language translation services in Hawaiian and, at a minimum, the five most utilized foreign languages by limited English proficient persons in the State.

~~[(e)]~~ (d) The clerks shall determine and provide for voter service centers and places of deposit pursuant to this part and section 11-92.1.”

SECTION 3. Nothing in this Act shall exempt or supplant the requirements of section 203 of the federal Voting Rights Act of 1965, as amended.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval and shall apply to all elections beginning with the 2024 primary election.

(Approved June 27, 2022.)

ACT 167

H.B. NO. 1885

A Bill for an Act Relating to Government Data.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it is in the State's interest to increase access to data maintained by and available from state agencies, as such data can inform public policy, stimulate innovation within and outside government, encourage public engagement, and enhance transparency. This data can also spur economic development and produce new and innovative resources and services that benefit state employees, individual citizens, and businesses. The efficient integration, management, governance, and sharing of data can greatly improve state programs and the delivery of services to the State's citizens. Therefore, unless expressly prohibited by law or regulation, it is vitally important that data held by state agencies be made readily available to other state agencies with a minimum of administrative obstacles so that data shared across agencies contributes to the effective, efficient, and transparent delivery of information resources and services. It is equally vital that state agencies make reasonable efforts to provide public access to this data, unless expressly prohibited by law or regulation.

The purpose of this Act is to establish within the office of enterprise technology services a chief data officer and a data task force to develop, implement, and manage statewide data policies, procedures, and standards.

SECTION 2. Section 27-44, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§27-44]]—Electronic] Chief data officer; electronic data set availability; updates.~~ (a) There is established within the office of enterprise technology services a full-time chief data officer to develop, implement, and manage statewide data policies, procedures, and standards pursuant to section 27-44.3 and to facilitate data sharing across state agencies. The chief data officer shall use the state information assets and analytics to research and recommend processes and tools to improve inter-departmental and intra-departmental decision making and reporting. The chief data officer shall be appointed by and report directly to the chief information officer. Each executive branch department, including the department of education and University of Hawaii, shall use reasonable efforts to make appropriate and existing [electronic] data sets maintained by the department electronically available to the public through the State's open data portal at data.hawaii.gov or successor website designated by the chief [information] data officer; provided that:

- (1) Nothing in this chapter shall require departments to create new electronic data sets or to make data sets available upon demand;
- (2) Data licensed to the State by another person or entity shall not be made public under this chapter unless the person or entity licensing the data agrees to the public disclosure; and
- (3) Proprietary and other information protected from disclosure by law or contract shall not be disclosed.

[Such] This disclosure shall be consistent with the policies, procedures, and standards developed by the chief [information] data officer and consistent with applicable law, including chapter 92F and other state and federal laws related to security and privacy, and no personally identifiable information shall be posted online unless the identified individual has consented to the posting or the posting is necessary to fulfill the lawful purposes or duties of the department.

(b) Nothing in this chapter shall require the chief information officer or the chief data officer to adopt rules pursuant to chapter 91 and nothing in this chapter shall supersede chapter 27G.

(c) Each department shall update its electronic data sets in the manner prescribed by the chief ~~[information]~~ data officer and as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the department regularly maintains or updates the data sets.

(d) There is established a data task force to assist the chief data officer in developing the State's data policies, procedures, and standards. The task force shall comprise the following members:

- (1) One representative of the judiciary, to be appointed by the chief justice of the supreme court;
- (2) The superintendent of education, or the superintendent's designee;
- (3) The director of human services, or the director's designee;
- (4) The director of health, or the director's designee;
- (5) The director of business, economic development, and tourism, or the director's designee;
- (6) The president of the University of Hawaii, or the president's designee;
- (7) Two members of the public to represent nonprofit organization stakeholders having experience in data, of which one member shall be chosen and invited to participate by the speaker of the house of representatives and one member shall be chosen and invited to participate by the president of the senate; and
- (8) Two members of the public to represent for-profit business stakeholders having experience in data, of which one member shall be chosen and invited to participate by the speaker of the house of representatives and one member shall be chosen and invited to participate by the president of the senate.

The chief data officer shall serve as the chair of the task force and shall ensure that the task force is evaluated periodically.”

SECTION 3. Section 27-44.2, Hawaii Revised Statutes, is amended to read as follows:

“[§27-44.2] Data set licensing. The chief ~~[information]~~ data officer may make the departments' electronic data sets on data.hawaii.gov or a successor website designated by the chief data officer available to third parties pursuant to a license~~[- which]~~ that may require the licensee to allow any user to copy, distribute, display, or create derivative works at no cost and with an appropriate level of conditions placed on the use.”

SECTION 4. Section 27-44.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The chief ~~[information]~~ data officer, in consultation with the data task force and the office of information practices, shall develop policies and procedures to implement section 27-44, including standards to determine ~~[which]~~ the data sets that are appropriate for online disclosure as provided in section 27-44~~[:]~~ and the data set format standards to be used by all agencies in making their data sets available; provided that the standards shall not require the departments to post information that is otherwise required to be disclosed under chapter 92F, but is personally identifiable information, information that may pose a personal or public security risk, is of minimal public interest, or is otherwise inappropriate for online disclosure as part of a data set.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 168

H.B. NO. 1974

A Bill for an Act Relating to Procurement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that small businesses are the lifeblood of the State's economy. Act 50, Session Laws of Hawaii 2005, was enacted to promote the growth and development of small businesses in Hawaii through the establishment of a small business preference program as part of the procurement process. Additionally, Act 213, Session Laws of Hawaii 2007, approved the funding for a full-time position in the state procurement office with the purpose of implementing part IX of the Hawaii public procurement code, relating to assistance to small businesses. Unfortunately, due to funding and staffing cuts in 2008, this position was never filled and was eliminated from the state procurement office. Although section 3-124-73, Hawaii Administrative Rules, and related interim small business preference rules went into effect in 2007, there was no dedicated position to carry out those rules. Unfortunately, in the absence of this dedicated position or a small business office, these interim rules failed to help the small business community and expired in 2011. Act 42, Session Laws of Hawaii 2017, created a small business initiative; however, the initiative did not receive funding and the enabling legislation sunset in 2020.

The legislature also finds that small businesses owned by veterans, Native Hawaiians, and women are the most vulnerable and disadvantaged businesses within the State. The legislature further finds that an initiative is needed to identify, quantify, and address the needs of these small businesses and measure and track their present participation in state small business contracts.

The legislature additionally finds that the State must create, develop, and implement strategies to ensure that small businesses, including businesses owned by veterans, Native Hawaiians, and women, are able to effectively participate in small business contracting opportunities within the State.

The legislature notes that previously developed administrative rules with respect to the development of small business contracts with the State were not effective because of a lack of available appropriate business metrics and data to provide relevant information necessary for the creation of those rules.

The legislature further finds that any solution to address small business concerns in the State must be attempted incrementally. The legislature also notes that the state procurement office is now ready to address part IX of the Hawaii public procurement code and assist self-identified small businesses in obtaining state contracts. The legislature intends to facilitate this process by creating a small business assistance initiative to collect and develop relevant data and information necessary for small businesses to compete for and obtain small business contracts and identify and resolve issues that must be addressed to develop an effective small business state contracting program within the state procurement process.

The purpose of this Act is to establish a five-year small business assistance initiative and provide staffing for the implementation of part IX of the Hawaii public procurement code, relating to assistance to small businesses.

SECTION 2. Section 103D-902, Hawaii Revised Statutes, is amended to read as follows:

“§103D-902 **Small business assistance.** (a) The policy board shall adopt rules to assist small businesses in learning how to do business with the State.

(b) The state procurement office shall establish a small business initiative program consistent with this chapter to ensure that small businesses, including businesses owned by veterans, Native Hawaiians, and women, are able to effectively participate in small business contracting opportunities in the State.”

SECTION 3. (a) There is established within the state procurement office a small business assistance initiative to facilitate the collection and development of relevant data and information to assist small businesses. The term of the initiative shall be five years from the enactment of this Act.

(b) The small business assistance initiative shall consist of a small business procurement coordinator and small business office.

(c) There is established the position of small business procurement coordinator within the state procurement office, which shall be exempt from chapter 76. The small business procurement coordinator, with the assistance of the small business office, shall be responsible for the collection and maintenance of data from the state small business database, the provision of this data and metrics to the administrator of the state procurement office, and the daily operations of the small business assistance initiative established in subsection (a). The small business procurement coordinator shall also be responsible for implementing programs and procedures to carry out the intent of this section to assist small businesses, including:

- (1) Establishing and maintaining a statewide small business database;
- (2) Establishing and managing a small business registration, certification, and identification process;
- (3) Drafting policies and rules to assist in the implementation of this section;
- (4) Producing, publishing, and disseminating training materials designed to inform procurement staff and self-identified small business vendors of all small business programs and opportunities;
- (5) Conducting surveys of, and collecting feedback from, procurement staff and self-identified small business vendors to be presented to the administrator of the state procurement office; and
- (6) Producing an annual report of small business participation data and metrics to be submitted to the administrator of the state procurement office.

(d) There is established, as part of the initiative under subsection (a) and within the state procurement office, a small business office. A contract to hire a firm to perform the operations and maintenance of the small business office for the initiative shall be executed. The contract shall be awarded to an existing Hawaii-based small business advocacy group with experience in helping small businesses obtain federal and state contracts. The awardee shall be a small business owned by a veteran, Native Hawaiian, or female, and shall have an understanding of the small business community to be able to meet the requirements of the small business initiative. The small business office shall be responsible for:

- (1) Providing timely training and reports relating to key developments in the small business community;
- (2) Establishing communications with self-identified vendors that may include developing and implementing a newsletter and electronic mail campaign to keep vendors informed of current small business events;
- (3) Producing and publicizing outreach campaigns related to the small business initiative and other small business programs and opportunities as may be developed or discovered;
- (4) Creating, developing, advertising, and encouraging vendor participation in workshops, seminars, and training designed to promote and enhance small business participation in state contracts;
- (5) Establishing mechanisms and implementing procedures for conducting audits, handling disputes, and investigating allegations of fraud and other misappropriations of the small business initiative and its benefits to small businesses;
- (6) Aggregating all small business resources and materials from around the State and presenting them in an easily accessible and understandable online format for potential vendor participants;
- (7) Coordinating with small business advocates in the public and private sectors to create a small business network that can be easily accessed by all small businesses;
- (8) Answering small business vendors' electronic mail and questions about the State's existing small business programs; and
- (9) Collecting data on existing and future small business vendor disputes, problems, difficulties, successes, recommendations, and any other metrics deemed important to the initiative by the state procurement office or legislature.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$366,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the small business assistance initiative established pursuant to this Act; provided that the sum appropriated shall be allocated as follows:

- (1) \$115,000 to complete the state small business database as provided by Act 42, Session Laws of Hawaii 2017, prior to its repeal;
- (2) \$126,000 for the establishment of one permanent full-time equivalent (1.00 FTE) small business procurement coordinator position exempt from chapter 76, Hawaii Revised Statutes, in the state procurement office; and
- (3) \$125,000 for the hiring of a local small business to operate and maintain the small business office established by this Act and for marketing of and outreach for the full five-year term of the small business assistance initiative.

The sum appropriated shall be expended by the state procurement office for the purposes of this Act.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval; provided that section 4 shall take effect on July 1, 2022.

(Approved June 27, 2022.)

A Bill for an Act Relating to Campaign Spending.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that in the seminal case on campaign finance law, *Buckley v. Valeo*, 424 U.S. 1 (1976), the United States Supreme Court acknowledged the sufficiently important government interest in ensuring that voters are fully informed through campaign spending disclosure requirements. The Court also acknowledged that campaign spending disclosure requirements directly serve the sufficiently important government interests of deterring corruption and the appearance of corruption, as well as gathering the data necessary to detect campaign spending violations.

The legislature further finds that the State has sufficiently important government interests in an informed electorate, deterring corruption and the appearance of corruption, and gathering data necessary to detect campaign spending violations. Campaign disclosure requirements directly serve these sufficiently important government interests.

The legislature also finds that the State's existing campaign finance laws fail to reveal the source of campaign spending money when the spending occurs by a 501(c)(4) nonprofit organization and the funds they raise through donations are used on campaign expenditures in an attempt to influence elections. Because the nonprofit organization is not required under existing law to disclose the identity of the donors making the donations for this purpose, there is a lack of transparency that fails to inform the public on who is trying to influence an election.

The legislature notes that in recent national and local elections, nonprofit organizations operating as noncandidate committees have used money to influence the outcome of elections. In addition, donors to these nonprofit organizations, because of their status as a social welfare organization, may not be aware that their donations are being used for political purposes. The Internal Revenue Service is currently not authorized to investigate these activities to ensure compliance, which allows 501(c)(4) nonprofit organizations operating as noncandidate committees to spend unregulated amounts of money on political activity without any consequences or oversight, which conceivably could be above the political activity percentage threshold allowed.

The legislature additionally finds that there is a compelling state interest in monitoring these nonprofit organizations who are operating as noncandidate committees to ensure they are not improperly using funds to influence the political process. The government has a legitimate interest in ensuring campaign spending laws are followed when a 501(c)(4) nonprofit organization is operating as a noncandidate committee, which is furthered by these additional reporting requirements.

The legislature also notes that there are individuals and organizations that use 501(c)(4) nonprofit organizations as shell organizations to pass through large donations. The legislature believes that requiring 501(c)(4) nonprofit organizations operating as noncandidate committees to disclose the name and address of donors who make a donation individually or in an aggregate of more than \$10,000, will assist the campaign spending commission in discovering those nonprofit organizations being used to funnel large amounts of funds as donations to influence elections.

The purpose of this Act is to enhance existing campaign spending disclosure requirements to ensure that if a 501(c)(4) nonprofit organization is operating as a noncandidate committee, its campaign spending activities are disclosed to the electorate. Because organizations that meet campaign spending thresholds

are currently required to disclose the identities of their contributors, under the enhanced disclosure requirements contained in this Act, organizations that meet the campaign spending thresholds as a noncandidate committee will also be required to disclose the identities of their donors.

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§11- Donors; consent; notice. (a) A nonprofit organization subject to this chapter and operating as a noncandidate committee may use a donation for electioneering communications, independent expenditures, or contributions only upon receipt of written consent from the donor to use the donation for electioneering communications, independent expenditures, or contributions.

(b) A nonprofit organization subject to this chapter and operating as a noncandidate committee shall provide written notice to donors that the donor’s name and address may be reported pursuant to this chapter in a public document if the donor provides written consent to use the donation for electioneering communications, independent expenditures, or contributions.

(c) If the donor fails to provide written consent that the donation may be used for electioneering communications, independent expenditures, or contributions, the nonprofit organization shall, within thirty days of receipt of the donation, transmit to the donor a written confirmation by the nonprofit organization’s highest ranking official that the donation will not be used for electioneering communications, independent expenditures, or contributions; and the name and address of the donor will not be reported by the nonprofit organization pursuant to this chapter.

(d) Only a nonprofit organization subject to this chapter and operating as a noncandidate committee shall be subject to the reporting requirements of this section.”

SECTION 3. Section 11-302, Hawaii Revised Statutes, is amended by adding four new definitions to be appropriately inserted and to read as follows:

““Donation” means all transfers of money, credit or debit card transactions, online payments, payments made through a third party, paid personal services, or transfers of any other thing of value to a nonprofit organization.

“Donor” means a person that makes a donation to a nonprofit organization subject to this chapter and operating as a noncandidate committee.

“Electioneering communication”:

(1) Means any advertisement that is broadcast from a cable, satellite, television, or radio broadcast station; published in any periodical or newspaper or by electronic means; or sent by mail, and that:

(A) Refers to a clearly identifiable candidate;

(B) Is made, or scheduled to be made, either within thirty days before a primary or initial special election or within sixty days before a general or special election; and

(C) Is not susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate; and

(2) Shall not include communications:

(A) In a news story or editorial disseminated by any broadcast station, publisher of periodicals or newspapers, or by electronic means, unless the facilities are owned or controlled by a candidate, candidate committee, or noncandidate committee;

(B) In house bulletins; or

(C) That constitute a candidate debate or forum, or solely promote a debate or forum and are made by or on behalf of the person or organization sponsoring the debate or forum.

“Nonprofit organization” means an organization that is exempt from federal taxation under section 501(c)(4) of the Internal Revenue Code of 1986, as amended.”

SECTION 4. Section 11-335, Hawaii Revised Statutes, is amended to read as follows:

§11-335 Noncandidate committee reports. (a) The authorized person in the case of a party, or treasurer in the case of a noncandidate committee that is not a party, shall file preliminary, final, and supplemental reports that disclose the following information:

- (1) The noncandidate committee’s name and address;
- (2) The cash on hand at the beginning of the reporting period and election period;
- (3) The reporting period and election period aggregate totals for each of the following categories:
 - (A) Contributions received;
 - (B) Contributions made;
 - (C) Expenditures; and
 - (D) Other receipts;
- (4) The cash on hand at the end of the reporting period; and
- (5) The surplus or deficit at the end of the reporting period.

(b) Schedules filed with the reports shall include the following additional information:

- (1) The amount and date of deposit of each contribution received and the name, address, occupation, and employer of each contributor making a contribution aggregating more than \$100 during an election period, which was not previously reported[;] pursuant to this section; provided that if:
 - (A) All the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit; and
 - (B) A noncandidate committee making only independent expenditures receives a contribution of more than \$10,000 in the aggregate in an election period from an entity other than an individual, for-profit business entity, or labor union, then the schedule shall include:
 - (i) The internet address where the contributing entity’s disclosure report can be publicly accessed, if the contributing entity is subject to state or federal disclosure reporting requirements regarding the source of the contributing entity’s funds;
 - (ii) The name, address, occupation, and employer of each funding source that contributed \$100 or more in the aggregate in an election period to that contributing entity; or
 - (iii) An acknowledgment that the contributing entity is not subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity’s funds;
- (2) The amount and date of each contribution made and the name and address of the candidate, candidate committee, or noncandidate committee to which the contribution was made;

- (3) All expenditures, including the name and address of each payee and the amount, date, and purpose of each expenditure; provided that:
 - (A) Expenditures for advertisements or electioneering communications shall include the names of the candidates supported, opposed, or clearly identified;
 - (B) Expenditures for consultants, advertising agencies and similar firms, credit card payments, and salaries shall be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;
 - (C) Independent expenditures shall include the name of any candidate supported, opposed, or clearly identified; and
 - (D) The purpose of an independent expenditure shall include the name of the candidate who is supported or opposed by the expenditure, and whether the expenditure supports or opposes the candidate;
- (4) For noncandidate committees making only independent expenditures, certification that no expenditures have been coordinated with a candidate, candidate committee, or any agent of a candidate or candidate committee;
- (5) The amount, date of deposit, and description of other receipts and the name and address of the source of each of the other receipts;
- (6) A description of each durable asset, the date of acquisition, value at the time of acquisition, and the name and address of the vendor or contributor of the asset; ~~and~~
- (7) The date of disposition of a durable asset, value at the time of disposition, method of disposition, and name and address of the person receiving the asset~~[-]; and~~
- (8) For donations received by a nonprofit organization subject to this chapter and operating as a noncandidate committee, the amount and date of deposit of each donation received and the name and address of each donor making a donation individually or aggregating more than \$10,000 during an election period, which was not previously reported pursuant to this section; provided that a schedule filed pursuant to this section shall not include a donor if the donor has not provided consent pursuant to section 11- .
 - (c) No loan may be made or received by a noncandidate committee.
 - (d) The authorized person in the case of a party, or treasurer in the case of a noncandidate committee that is not a party, shall file a late contribution report as provided in section 11-338 if the committee receives late contributions from any person aggregating more than \$500 or makes late contributions aggregating more than \$500.

~~[(e) For purposes of this section, "electioneering communication" means the same as defined in section 11-341.]~~

SECTION 5. Section 11-338, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The late contribution report shall include the following information:
- (1) Name, address, occupation, and employer of the contributor;
 - (2) Name of the candidate, candidate committee, or noncandidate committee making or receiving the contribution; provided that, for noncandidate committees making only independent expenditures, if a late contribution greater than \$5,000 in the aggregate is received from an entity other than an individual, for-profit business entity, or labor union, then the report shall include:

- (A) The internet address where the contributing entity’s disclosure report can be publicly accessed, if the contributing entity is subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity’s funds;
- (B) The name, address, occupation, and employer of each funding source of more than \$100 in the aggregate to that contributing entity; or
- (C) An acknowledgment that the contributing entity is not subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity’s funds;
- (3) The amount of the contribution received;
- (4) The amount of the contribution made;
- (5) The contributor’s aggregate contributions to the candidate, candidate committee, or noncandidate committee; ~~and~~
- (6) The purpose, if any, to which the contribution will be applied, including, for contributions to a noncandidate committee, the name of any candidate supported, opposed, or clearly identified[-]; and
- (7) For a nonprofit organization filing a late contribution report, the amount and date of deposit of each donation received and the name and address of each donor making a donation individually or aggregating more than \$10,000 during an election period, which was not previously reported pursuant to section 11-335; provided that a schedule filed pursuant to this section shall not include a donor if the donor has not provided consent pursuant to section 11- .”

SECTION 6. Section 11-341, Hawaii Revised Statutes, is amended as follows:

- 1. By amending subsection (b) to read:
 - “(b) Each statement of information shall contain the following:
 - (1) The name of the person making the expenditure, name of any person or entity sharing or exercising discretion or control over the person, and the custodian of the books and accounts of the person making the expenditure;
 - (2) The names and titles of the executives or board of directors who authorized the expenditure, if the expenditure was made by a noncandidate committee, business entity, or an organization;
 - (3) The state of incorporation or formation and principal address of the noncandidate committee, business entity, or organization or for an individual, the name, address, occupation, and employer of the individual making the expenditure;
 - (4) The amount of each expenditure during the period covered by the statement of information and the identification of the person to whom the expenditure was made;
 - (5) The elections to which the electioneering communications pertain and the names of any clearly identifiable candidates and whether those candidates are supported or opposed;
 - (6) If the expenditures were made by a noncandidate committee, the names and addresses of all persons who contributed to the noncandidate committee for the purpose of publishing or broadcasting the electioneering communications;
 - (7) If the expenditures were made by an organization other than a noncandidate committee, the names and addresses of all persons who contributed to the organization for the purpose of publishing or broadcasting the electioneering communications;

- (8) If the expenditures were made by a nonprofit organization, the amount and date of the deposit of each donation received and the name and address of each donor making a donation individually or aggregating more than \$10,000 during an election period, which was not previously reported pursuant to section 11-335; provided that a schedule filed pursuant to this section shall not include a donor's name or address if the donor has not provided consent pursuant to section 11- ;
- (8)(9) (9) Whether any electioneering communication is made in coordination, cooperation, or concert with or at the request or suggestion of any candidate, candidate committee, or noncandidate committee, or agent of any candidate if any, and if so, the identification of the candidate, candidate committee, or noncandidate committee, or agent involved; and
- (9)(10) (10) The three top contributors as required under section 11-393, if applicable.”
2. By amending subsection (d) to read:
 “(d) For purposes of this section:
 “Disclosure date” means, for every calendar year, the first date [by which a person has made expenditures during that same year of more than \$1,000 in the aggregate for electioneering communications.
 “Electioneering communication” means any advertisement that is broadcast from a cable, satellite, television, or radio broadcast station; published in any periodical or newspaper or by electronic means; or sent by mail, and that:
- (1) Refers to a clearly identifiable candidate;
 - (2) Is made, or scheduled to be made, either within thirty days before a primary or initial special election or within sixty days before a general or special election; and
 - (3) Is not susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate.
- “Electioneering communication” shall not include communications:
- (1) In a news story or editorial disseminated by any broadcast station or publisher of periodicals or newspapers, unless the facilities are owned or controlled by a candidate, candidate committee, or noncandidate committee;
 - (2) That constitute actual expenditures by the expending organization;
 - (3) In house bulletins; or
 - (4) That constitute a candidate debate or forum, or solely promote a debate or forum and are made by or on behalf of the person sponsoring the debate or forum.]
- during the calendar year on which an electioneering communication is publicly distributed, and the date on which any subsequent electioneering communication is publicly distributed; provided that the person making the electioneering communication has made expenditures for electioneering communications of more than \$2,000 in the aggregate. “Disclosure date” for mailers means the date the mailers are first mailed.
- “Person” shall not include a candidate or candidate committee.”

SECTION 7. Section 11-363, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:
 “(a) Expenditures or disbursements for electioneering communications [as defined in section 11-341], or any other coordinated activity made by any person for the benefit of a candidate in cooperation, consultation, or concert with,

or at the request or suggestion of, a candidate, a candidate committee, or their agents, shall be considered to be a contribution to the candidate and expenditure by the candidate.”

2. By amending subsection (c) to read:

“(c) [~~“Coordinated”~~] For purposes of this section, “coordinated activity” means:

- (1) The payment by any person in cooperation, consultation, or concert with, at the request of, or pursuant to, any general or particular understanding with a candidate, candidate committee, the party of a candidate, or an agent of a candidate, candidate committee, or the party of a candidate;
- (2) The payment by any person for the production, dissemination, distribution, or republication of any written, graphic, or other form of campaign material, in whole or in part, prepared by a candidate, candidate committee, or noncandidate committee, or an agent of a candidate, candidate committee, or noncandidate committee; or
- (3) Any payment by any person or contract for any electioneering communication[~~, as defined in section 11-341,~~] where the payment is coordinated with a candidate, candidate committee, the party of the candidate, or an agent of a candidate, candidate committee, or the party of the candidate.”

SECTION 8. Section 11-393, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) For purposes of this [~~part,~~] section, “top contributor” means a contributor who has contributed an aggregate amount of \$10,000 or more to a noncandidate committee within a twelve-month period [~~prior to~~] before the purchase of an advertisement.”

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect on January 1, 2023.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 170

H.B. NO. 2491

A Bill for an Act Relating to the Hawaiian Language.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Hawaiian language is Hawai‘i’s indigenous and first language, as well as the original language of Hawai‘i’s executive, judicial, and legislative branches. During his reign, King Kamehameha III famously declared, “He aupuni palapala ko‘u”, or “Mine is the kingdom of education”, in reference to the high literacy rate in the Kingdom of Hawai‘i. This level of literacy continued into the 1900s, as 95.3 per cent of Native Hawaiians were literate, according to the 1910 United States Census. However, due to a myriad of political, economic, and social pressures, the Ha-

waiian language was materially marginalized, leading to its atrophy and eventual formal and practical exclusion from public and civic spaces. Nevertheless, due to the Hawaiian language community's efforts and resilience, the existence of the Hawaiian language has been maintained and its vitality restored for future generations.

The legislature recognizes that Hawaiian language practitioners generally employ two written orthographies, namely unmarked language and marked language. The unmarked orthography was the first writing system of Hawaiian language. The marked orthography, which includes the kahakō and 'okina, was created as a means to help learners of Hawaiian language determine when to elongate a vowel or where to insert a glottal stop. The intent of this measure is not to claim the superiority of one version of orthography over the other, or to invalidate communities with an unbroken lineage of Hawaiian speakers who do not follow contemporary Hawaiian writing or structures, as communities such as these are vital to Native Hawaiian culture and the State as a whole. Rather, the intent of this measure is to establish a standard for the spelling and punctuation of Hawaiian names and words when they appear in letterhead created by state and county agencies for the purposes of consistency and uniformity. Furthermore, this Act is intended to provide equal support and standing for both native speakers and second language speakers of Hawaiian language.

Additionally, the intent of this Act is not to require that legislative bills and other official documents be written in Hawaiian as well as English; rather, if letterhead prepared by or for state or county agencies or officials contain Hawaiian names and words, this Act only requires that the Hawaiian names and words be written in a consistent manner. This measure further clarifies that Hawaiian spelling not in conformance with the standards established by this measure will not invalidate an official document, nor will it allow a cause of action to arise. Finally, this Act requires a Hawaiian translation of the name of certain designated state officials to be prominently displayed on their respective official websites.

Accordingly, the purpose of this Act is to require all:

- (1) Letterhead of the State and counties that include Hawaiian names and words to include Hawaiian names, words, and spelling consistent with certain references; and
- (2) Official letterhead stationary and websites of designated state officials to include the Hawaiian translation of the office's or department's name.

SECTION 2. Section 1-13.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§1-13.5] Hawaiian language; spelling. (a) [Macrons and glottal stops] Kahakō and 'okina~~ may be used in the spelling of words or terms in the Hawaiian language in documents prepared by or for state or county agencies or officials.

(b) Effective July 1, 2023, any letterhead prepared by or for state or county agencies or officials that contains names or words in the Hawaiian language shall use and spell the names and words consistently; provided that revisions to conform any letterhead existing before July 1, 2023, to the requirements of this section may be implemented when the letterhead requires replacement, reprinting, or otherwise requires revision.

(c) Any rule, order, policy, or other act, official or otherwise, that prohibits or discourages the use of ~~[these symbols]~~ kahakō and 'okina or the consistent use and spelling of Hawaiian names and words, as provided by this section, shall be void.

(d) For the purposes of consistency, any Hawaiian names and words used in letterhead subject to subsection (b) shall be printed in conformance with:

- (1) “Hawaiian Dictionary: Hawaiian-English, English-Hawaiian”, by Mary Kawena Pukui and Samuel H. Elbert, University of Hawai‘i Press, copyright 1986;
- (2) Any other commonly used Hawaiian-language dictionary;
- (3) “Place Names of Hawaii”, by Mary Kawena Pukui, Samuel H. Elbert, and Esther T. Mookini, University of Hawai‘i Press, copyright 1974, as revised and expanded in 1976;
- (4) Consultations from members of the Hawaiian-speaking language community, including native speakers;
- (5) Consultations with the Hawaii board on geographic names for the names and spellings of geographic features in Hawaii; or
- (6) The Hawaiian newspaper collection Nupepa Olelo Hawaii.

(e) Violation of this section shall not invalidate any document or render it unenforceable and shall provide no cause of action against the State; any county; or any state or county agency, official, or employee.

(f) If, in any document covered by this section, there is a conflict between words used by native speakers and second language speakers, two versions of the document may be made available to the public upon request if the affected department has sufficient resources.

(g) For the purpose of this section, “native speakers” means speakers of the Hawaiian language who come from an unbroken lineage of primary speakers of the Hawaiian language.”

SECTION 3. Section 5-6.5, Hawaii Revised Statutes, is amended to read as follows:

“[§5-6.5] State language. (a) The Hawaiian language is the native language of Hawaii and may be used on all emblems and symbols representative of the State[;] and its departments, agencies, and political subdivisions.

(b) The governor, lieutenant governor, state legislators, and heads of the principal departments shall prominently display a Hawaiian translation of the name of their respective office or department at least once on the main page of their official website and in the letterhead of their stationary.

(c) This section shall not be construed to require the full text of legislative bills and other official documents to be written in Hawaiian.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 171

S.B. NO. 2043

A Bill for an Act Relating to Candidate Committee and Noncandidate Committee Organizational Reports.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-322, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any change in information previously reported in the organizational report [~~with the exception of subsection (a)(8)~~] shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.”

SECTION 2. Section 11-323, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any change in information previously reported in the organizational report [~~with the exception of subsection (a)(12)~~] shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.”

SECTION 3. Statutory material to be repealed is bracketed and stricken.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 172

S.B. NO. 2144

A Bill for an Act Relating to Electronic Information Technology Accessibility for Persons with Disabilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act may be cited as the Hawaii Electronic Information Technology Accessibility Act.

SECTION 2. The legislature finds that all electronic information technology developed, purchased, used, or provided by a state entity must be made accessible to persons with disabilities. Electronic information is rapidly replacing print media, and all residents need access to technology to work and to participate fully in state programs and services.

The legislature further finds that uniform standards are needed to ensure that state entities are proactively addressing accessibility in their communications, information technology development, and technology procurement processes.

Accordingly, the purpose of this Act is to require the office of enterprise technology services, in consultation with the disability and communication access board and a working group composed of stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities.

SECTION 3. (a) The office of enterprise technology services shall develop and publish accessibility standards, to be known as the “Hawaii Electronic Information Technology Disability Access Standards”, to be implemented by all state entities.

(b) The chief information officer, in consultation with the disability and communication access board, shall convene a working group to assist in drafting the accessibility standards. Representatives from state entities and other relevant stakeholders, as determined by the chief information officer and disability and communication access board, shall be invited by the chief information officer to participate.

- (c) The accessibility standards shall:
 - (1) Require that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to individuals with a disability;
 - (2) Be consistent with accessibility standards issued by the United States Access Board to implement section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d);
 - (3) Be consistent with the web access standards issued by the World Wide Web Consortium Web Accessibility Initiative; and
 - (4) Include, at a minimum:
 - (A) Functional performance criteria and technical requirements for accessibility;
 - (B) Recommendations for procurement language that can be incorporated into existing state procurement processes to conform to accessibility standards; and
 - (C) Recommendations for planning, reporting, monitoring, and enforcement processes to ensure that state entities implement the accessibility standards.

(d) The accessibility standards shall not require the installation of specific accessibility-related software or peripheral devices at the workstation of an employee who is not an individual with a disability; provided that the standards shall require all workstation technology used by a state entity to be compatible with accessibility-related software and peripheral devices.

(e) No later than six months after the publication of the Hawaii Electronic Information Technology Disability Access Standards, each state entity shall review the standards and revise the entity's existing procurement and development rules, policies, and procedures to incorporate the standards.

- (f) The accessibility standards shall apply to:
 - (1) All electronic information technology developed, purchased, used, or provided by a state entity; and
 - (2) All substantial modifications made by a state entity to electronic information technology.

(g) The office of enterprise technology services, in consultation with the disability and communication access board, shall review the accessibility standards every three years after the date of initial publication, or more frequently if the chief information officer deems it necessary, and amend the standards to reflect advances or changes in electronic information technology. The chief information officer, in consultation with the disability and communication access board, may form a working group composed of stakeholders to assist with carrying out the review and amendments. Within six months of the publication of any amended accessibility standards, each state entity shall review the amended standards and shall revise the entity's existing procurement and development rules, policies, and procedures to incorporate the amended standards accordingly.

(h) As used in this Act:

“Accessibility” means the ability of an individual with a disability to receive, use, and manipulate data and operate controls included in electronic information technology in a manner equivalent to that of individuals who do not have disabilities.

“Electronic information technology” means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, including:

- (1) Internet and intranet systems;
- (2) Websites and interfaces;

- (3) Software applications;
- (4) Operating systems;
- (5) Video and multimedia;
- (6) Telecommunication products;
- (7) Electronic and digital kiosks;
- (8) Information transaction machines;
- (9) Copiers and printers; and
- (10) Desktop and portable computers.

“Individual with a disability” means an individual with impairments that limit the individual’s ability to access or use electronic information technology, including an individual who has:

- (1) No or limited vision;
- (2) No or limited hearing;
- (3) No or limited use of their hands; or
- (4) Other similar impairments.

“State entity” means the executive, legislative, and judicial branches of the State, including its departments, divisions, agencies, offices; public bodies; public elementary, secondary, and postsecondary schools; and the University of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 173

S.B. NO. 2383

A Bill for an Act Relating to the State Procurement Policy Board.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that boards and commissions provide an opportunity for citizens to have a voice in government and provide a means to influence decisions that shape the quality of life for the residents of the State. However, vacancies on these boards and commissions pose challenges for some agencies in fulfilling their duties. Furthermore, the legislature also finds that the size of some of these boards has presented a challenge with obtaining the necessary quorum, which is further compounded by member vacancies.

The legislature further finds that the state procurement policy board is one example where vacancies and the size of the board are hampering state processes. The board was formed to adopt, amend, or repeal administrative rules to carry out and effectuate the purpose and provisions of the Hawaii public procurement code, which governs the State’s procurement, management, control, and disposal of any and all goods, services, and construction, and the law governing the State’s purchase of health and human services. Other duties of the board are to consider and decide matters of policy, including those referred by a chief procurement officer; audit and monitor the implementation of its rules and the requirements of applicable statutes; and consider applicants for the position of the state procurement administrator. Unfortunately, because of vacancies on the board, vital tasks are left pending.

The legislature further finds that the term “significant” utilized in the existing law may not reflect the minimum requisite number of years of high-level experience needed and therefore should be enumerated explicitly within statute.

The legislature also finds that there is a need to ensure that this board also has representation with high-level county procurement experience as well

as a member who is particularly versed in construction procurement, since the comptroller or other members may not have that type of needed experience.

The purpose of this Act is to:

- (1) Decrease the number of members on the state procurement policy board from seven to five;
- (2) Amend the appointment and experience requirements for members of the state procurement policy board; and
- (3) Repeal the state procurement policy board nominating committee.

SECTION 2. Section 103D-201, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The policy board shall consist of ~~[seven]~~ five members. Notwithstanding the limitations of section 78-4, the members of the board shall include:

- (1) The comptroller;
- ~~[(2) A county employee with significant high-level procurement experience; and~~
- ~~(3) Five persons who shall not otherwise be full-time employees of the State or any county;]~~
- (2) Two members appointed by the governor; provided that one member shall have five years of high-level construction procurement experience and one member shall have five years of high-level county procurement experience;
- (3) One member appointed by the president of the senate; provided that the member shall have five years of general procurement experience; and
- (4) One member appointed by the speaker of the house of representatives; provided that the member shall have five years of general procurement experience.

~~[provided that at least one member shall be a certified professional in the field of procurement, at least one member shall have significant high-level, federal procurement experience, and at least two members shall have significant experience in the field of health and human services.]~~ Each appointed member shall have demonstrated sufficient business or professional experience to discharge the functions of the policy board. ~~[The initial and subsequent members of the policy board, other than the comptroller, shall be appointed by the governor from a list of three individuals for each vacant position, submitted by a nominating committee composed of four individuals chosen as follows: two persons appointed by the governor; one person appointed by the president of the senate; and one person appointed by the speaker of the house.]~~ Except as provided in this section, ~~[the selection and terms of]~~ the policy board members shall be subject to the requirements of section 26-34. No member of the policy board shall act concurrently as a chief procurement officer. The members of the policy board shall devote such time to their duties as may be necessary for the proper discharge thereof.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 174

S.B. NO. 2384

A Bill for an Act Relating to Hawaii Products Preference.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the preference for Hawaii products was established to encourage the use of Hawaii products by bidders to support local industries. However, contractors and subcontractors have indicated that it is common practice to source products locally due to availability and pricing, which levels the playing field for all vendors. The legislature further finds that the continued practice of decreasing offers by a ten or fifteen per cent classification preference could inflate industry rates, adding to the cost of construction to the State and taxpayers. Since contractors and subcontractors already use Hawaii products, this incentive is no longer required, does not benefit the public, and would be contrary to the goal of increasing the economy, efficiency, effectiveness, and impartiality in the public works construction procurement process.

However, the legislature finds that the preference for Hawaii products is still necessary and advantageous with respect to the procurement of agricultural goods, value-added products, and commodities.

Accordingly, the purpose of this Act is to amend the procurement preference for Hawaii products to only apply to the procurement of agricultural goods, value-added products, and commodities, subject to availability and policy considerations.

SECTION 2. Section 103D-1001, Hawaii Revised Statutes, is amended by amending the definition of "Hawaii input" to read as follows:

"Hawaii input" means the part of the cost of a product that is attributable to production, manufacturing, or other expenses arising within the State. "Hawaii input" includes but is not limited to:

- (1) The cost to mine, excavate, produce, manufacture, raise, [ø] grow, assemble, or fabricate the materials in Hawaii;
- (2) The added value of that portion of the cost of imported materials that is incurred after landing in Hawaii, including but not limited to other articles, materials, and supplies, added to the imported materials;
- (3) The cost of labor, variable overhead, utilities, and services, incurred in the production and manufacturing of materials or products in Hawaii; and
- (4) Fixed overhead cost and amortization or depreciation cost, if any, for buildings, tools, and equipment, situated and located in Hawaii and used in the production or manufacturing of a product."

SECTION 3. Section 103D-1002, Hawaii Revised Statutes, is amended to read as follows:

§103D-1002 Hawaii products. (a) This section shall only apply to bids and proposals for agricultural goods, value-added products, and commodities. A purchasing agency shall review all specifications in a bid or proposal for purchase of Hawaii products where these products are available[-] and where procurement of these products will promote the State's goal of increasing agricultural production and sustainability.

(b) All invitations for bids and requests for proposals to which this section applies shall:

- (1) Include a description of the products that are listed in the Hawaii products list established pursuant to this section, which may be used to complete the scope of work specified in the invitation for bids or request for proposals; or

- (2) Allow as part of the offer, self-certification that the Hawaii products qualify for preference;

provided that the offer may be evaluated along with any other published criteria in the solicitation, including but not limited to considerations such as specific nutritional content or its equivalent, timing of delivery, quality or freshness, and past performance, if applicable.

All Hawaii products in any bid or request for proposal shall be made available for inspection, or additional information may be requested to verify that the Hawaii product meets the minimum specifications.

(c) All persons submitting bids or proposals to claim a Hawaii products preference shall designate in their bids which individual product and its price is to be supplied as a Hawaii product.

(d) Where a bid or proposal contains both Hawaii and non-Hawaii products, then for the purpose of selecting the lowest bid or purchase price only, the price or bid offered for a Hawaii product item shall be decreased by subtracting ten per cent for class I Hawaii product items bid or offered, or fifteen per cent for class II Hawaii product items bid or offered. The lowest total bid or proposal, taking the preference into consideration, shall be awarded the contract unless the bid or offer provides for additional award criteria. The contract amount of any contract awarded, however, shall be the amount of the bid or price offered, exclusive of the preferences.

(e) Upon receipt and approval of application for Hawaii products preference, the administrator shall include within the Hawaii products list, the names of producers and manufacturers in the State who are authorized to supply locally manufactured soil enhancement products to state agencies under subsection ~~[(k)-]~~ (l). The administrator of the state procurement office shall maintain and distribute copies of the list to the purchasing agencies of the various governmental agencies.

(f) Any person not on the Hawaii products list desiring a preference pursuant to this section shall certify the Hawaii product when submitting a response to a solicitation; provided that the person certifies under penalty of sanctions that the offered Hawaii products meet the requirements for the preference.

The procurement officer may request additional information deemed necessary to qualify a product and shall have sole discretion in determining qualification for the preference.

Any offeror whose product is deemed not qualified for the preference may appeal by filing a written request for reexamination of facts to the procurement officer. Upon determining that the offeror is qualified for the preference, the procurement officer shall notify the administrator and the administrator shall place the offeror on the Hawaii products list.

(g) Solicitations shall contain a provision notifying offerors who request application of the preference that in the event of any change that materially alters the offeror's ability to supply Hawaii products, the offeror shall immediately notify the chief procurement officer in writing and the parties shall enter into discussions for the purposes of revising the contract or terminating the contract for convenience.

(h) Nothing in this section shall limit, restrict, or preclude a Hawaii product from any preferences, set-asides, or criteria that may be applied under section 103D-906, and this section shall operate instead to mutually enhance the purpose of this section and section 103D-906.

(i) This section shall not apply ~~[whenever its]~~ when at least one of the following conditions is met:

- (1) Its application will disqualify any governmental agency from receiving federal funds or aid[-]; or

(2) The solicitation is for public works construction.

(j) Any purchase made or any contract awarded or executed in violation of this section shall be void and no payment shall be made by any purchasing agency on account of the purchase or contract.

(k) The department of accounting and general services shall provide written notice to all vendors of construction products who are registered on the Hawaii products list with the state procurement office regarding any amendments to this section, including effective dates and dates of repeal.

~~[(k)]~~ (l) For the purposes of this section, “soil enhancement product” means any nonchemical soil preparation, conditioner, or compost mixture designed to supplement aeration or add organic, green waste, or decaying matter to the soil; ~~provided that the term~~. “Soil enhancement product” does not include any plant fertilizer intended to stimulate or induce plant growth through chemical means. All state agencies shall include in their solicitations, when required, the soil enhancement products identified on the Hawaii products list pursuant to subsection (e).”

SECTION 4. Section 103D-1010, Hawaii Revised Statutes, is amended to read as follows:

~~“[~~**§103D-1010**~~]~~ **Purchases from qualified community rehabilitation programs.** (a) Any governmental body, without advertising or calling for bids, may purchase goods or services provided by qualified community rehabilitation programs serving persons with disabilities that have indicated an interest in supplying the goods or services and on an equitable basis may apportion the business among the interested programs; provided that the goods and services meet the specifications and needs of the purchasing agency and are purchased at a fair market price as determined by the appropriate public agency; and provided further that the programs comply with the following:

- (1) Meet all of the requirements of a qualified community rehabilitation program under section 103D-1001; and
- (2) Maintain a disabled to non-disabled employee ratio equal to or in excess of three-to-one for work hours of direct labor at all times on the work contracted.
- (b) The purchasing agency shall:
 - (1) Receive and review proposals submitted by qualified community rehabilitation programs to provide goods or services and determine if they are suitable for purchase by the agency; and
 - (2) Negotiate the conditions and terms for the purchase, including the price of the offer, between the agency and the qualified community rehabilitation program; provided that the price of the offer shall not exceed the fair market price and there is assurance that the qualified community rehabilitation program proposal is in compliance with all administrative rules related to purchasing; ~~and~~
 - (3) ~~Ensure that any goods or service purchased from a qualified community rehabilitation program shall not be placed on the Hawaii products list under section¹103D-1002].”~~

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. The letters in “be placed on the Hawaii products list under section” were enacted as reversed text.

A Bill for an Act Relating to Procurement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that one of the guiding principles of the Hawaii public procurement code is transparency. The main purpose of transparency is to promote openness in the procurement process so that all stakeholders have access to information about procurement activities. The legislature further finds that transparency should not be limited to the award of a contract but should also apply to the cancellation of a contract solicitation. The legislature recognizes that bids and proposals may require considerable resources to prepare and submit, and that vendors have the right to know the reason that a solicitation was cancelled.

Accordingly, the purpose of this Act is to require agencies to publicly post the justification for cancelling an invitation for bids or request for proposals, for a minimum of ten business days, on a purchasing agency's website, government electronic notification system, or by any other means the procurement officer deems effective for publicizing the cancellation notice.

SECTION 2. Section 103D-308, Hawaii Revised Statutes, is amended to read as follows:

“§103D-308 Cancellation of invitations for bids or requests for proposals. An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the governmental body ~~[which]~~ that issued the invitation, request, or other solicitation, in accordance with rules adopted by the policy board. The reasons therefor shall be made part of the contract file[-] and be publicly posted, for a minimum of ten business days, on a purchasing agency's website, government electronic notification system, or by any other means the procurement officer deems effective for publicizing the cancellation notice.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

A Bill for an Act Relating to Procurement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that during challenging economic times, it is necessary for the State to investigate and employ digital technology and other innovative ways of maintaining and improving state services and infrastructure, ensure input by stakeholders, and ensure the prudent and cost-effective expenditure of public moneys.

The legislature further finds that the state procurement office is responsible for reviewing the solicitation, award, and administration of contracts, ad-

vising government agencies on procurement issues, and providing procurement training to the State's decentralized procurement staff. The state procurement office administers statewide, multi-agency contracts that take advantage of the State's aggregated purchasing power to leverage better pricing and value for the State and the counties. In fiscal year 2018-2019, these contracts saved the State and its political subdivisions approximately \$19,000,000 in goods and services, plus savings in personnel, purchasing, and subject matter expert hours.

The legislature additionally finds that government purchasing offices for several states operate using a self-funded model derived from a transaction fee ranging from one per cent to 2.5 per cent charged to all contracts in their respective procurement automation systems.

The special committee on State of Hawaii procurement, which has been reviewing state procurement policies and procedures, informally notified the state procurement office that additional oversight over complex procurement issues, such as construction procurement for the State, is necessary.

The purpose of this Act is to improve procurement efficiency, minimize risks, and save taxpayer dollars by:

- (1) Defining the term "procurement automation system";
- (2) Authorizing the administrator of the state procurement office to develop and administer procurement automation systems and develop a plan for charging and collecting a transaction fee from all vendors using the procurement automation systems to fund the development, implementation, and maintenance of the systems;
- (3) Deleting language regarding qualified community rehabilitation programs made redundant by Act 55, Session Laws of Hawaii 2021; and
- (4) Adding two full-time equivalent (2.0 FTE) positions.

SECTION 2. Section 103D-104, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Procurement automation system" means an electronic procurement, accounting-oriented, multi-module, data-based system that integrates procurement activities from solicitation to contract management."

SECTION 3. Section 103D-206, Hawaii Revised Statutes, is amended to read as follows:

"§103D-206 Additional duties of the administrator of the procurement office. In addition to the duties referred to in section 103D-205, the administrator shall:

- (1) Perform periodic review of the procurement practices and procedures of all governmental bodies, in collaboration with the state procurement policy board, for compliance with the procurement code;
- (2) Assist, advise, and guide governmental bodies in matters relating to procurement;
- (3) Determine corrective actions; provided that if a procurement officer under the jurisdiction of the administrator of the state procurement office or a chief procurement officer of any of the other state entities under section 103D-203, fails to comply with any determination rendered by the administrator within thirty days from the date of the issuance of the determination, or longer if permitted by the administrator upon request by the procurement officer or a chief procurement officer, the procurement officer or chief procurement

officer shall be subject to an administrative fine under section 103D-106, for every day of noncompliance;

- (4) Develop and administer a statewide procurement orientation and training program;
- (5) Develop, distribute, and maintain a procurement manual for all state procurement officials; ~~and~~
- (6) Develop, distribute, and maintain a procurement guide for vendors wishing to do business with the State and its counties~~[-]; and~~
- (7) Develop and administer procurement automation systems, including methods to assess, charge, and collect a transaction fee for the use of the procurement automation systems to cover procurement automation system costs.”

SECTION 4. Section 103D-1010, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any governmental body, without advertising or calling for bids, may purchase goods or services provided by qualified community rehabilitation programs serving persons with disabilities that have indicated an interest in supplying the goods or services and on an equitable basis may apportion the business among the interested programs; provided that the goods and services meet the specifications and needs of the purchasing agency and are purchased at a fair market price as determined by the appropriate public agency; and provided further that the programs ~~comply with the following:~~

- (1) ~~Meet~~ meet all of the requirements of a qualified community rehabilitation program under section 103D-1001~~[-; and~~
- (2) ~~Maintain a disabled to non-disabled employee ratio equal to or in excess of three to one for work hours of direct labor at all times on the work contracted].~~”

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2022–2023 to fund two full-time equivalent (2.0 FTE) positions to manage, guide, and oversee the procurement automation system within the state procurement office.

The sum appropriated shall be expended by the state procurement office for the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 177

S.B. NO. 3219

A Bill for an Act Relating to the Sunshine Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that children’s privacy rights prevail over the public’s right to know. Therefore, the purpose of this Act is to amend the State’s sunshine law to protect children’s privacy in online public meetings.

SECTION 2. Section 92-3.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A board may hold a remote meeting by interactive conference technology; provided that the interactive conference technology used by the board allows audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting, except as otherwise provided under this section; provided further that there is at least one meeting location that is open to the public and has an audiovisual connection. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present or to identify those locations in the notice required by section 92-7; provided that at the meeting, each board member shall state ~~[who, if anyone, is]~~ the name of any person eighteen years of age or older who is present at the nonpublic location with the member[-]; provided further that the name of a person under the age of eighteen years shall be stated if the person has a personal business, property, or financial interest on any issue before the board at the meeting. The notice required by section 92-7 shall:

- (1) List at least one meeting location that is open to the public that shall have an audiovisual connection; and
- (2) Inform members of the public how to contemporaneously:
 - (A) Remotely view the video and audio of the meeting through internet streaming or other means; and
 - (B) Provide remote oral testimony in a manner that allows board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means.

The board may provide additional locations open for public participation. The notice required by section 92-7 shall list any additional locations open for public participation and specify, in the event an additional location loses its audiovisual connection to the remote meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 178

S.B. NO. 3282

A Bill for an Act Relating to Government Records.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds it to be in the best interest of the State and public to ensure that governmental records are managed in as cost- and space-effective means as possible. Records must be stored and accessible for the entire period of their legal retention schedule and destroyed at the expiration of their retention period. Site surveys have determined that storing inactive records within the office spaces allotted to state agencies is neither a good use of public funds nor the agencies' office spaces. Governmental records are most

efficiently and effectively managed when they are transferred to mass storage facilities once their immediate business needs have been satisfied.

The legislature further finds that the state archives is the only agency in the State that has been legislatively tasked with the duty to collect, preserve, arrange, describe, and inventory records of enduring value. The state archives also provides records management consultative services to all three branches of government and cost-efficient mass storage of both records of enduring value and non-permanent inactive records of government. The state archives manages the public archives in the Kekauluohi building as a state-of-the-art archival facility with security, environmental controls, gas fire suppression, and professional staff to ensure the long-term preservation of and access to approximately fourteen thousand cubic feet of records of enduring value. The state archives manages the state records center at Mapunapuna for the cost-efficient storage and destruction of up to fifty-nine thousand cubic feet of inactive non-permanent records. Because the state records center can store inactive non-permanent records at approximately one-fifth the cost of storing those same records in state office buildings, it is of greatest benefit to the State to maximize the storage of inactive non-permanent records at the state records center and ensure the long-term preservation of records of enduring value at the public archives.

Accordingly, the purpose of this Act is to:

- (1) Amend existing law to empower the comptroller to mandate the transfer of non-permanent governmental records to the state records center; and
- (2) Appropriate \$303,000 for the costs necessary for the transfer of non-permanent government records to the state records center; provided that \$118,000 shall fund two full-time equivalent (2.0 FTE) positions within the state archives to assist in the transfer of non-permanent government records to the state records center and to assist in the digitization of records.

SECTION 2. Section 94-3, Hawaii Revised Statutes, is amended to read as follows:

“§94-3 Disposal of government records generally. (a) Each public officer, except public officers of the judiciary and the legislative branch of government, having the care and custody of any government records shall submit to the state comptroller a list of records for disposition authorization, which shall include the name of the office, department, or bureau, the description of the records for disposal, the inclusive dates of the records, and the retention period.

(b) The comptroller shall determine the disposition of the records[; stating] and shall state whether the records should be [retained];

- (1) Retained by the office, department, or bureau; [~~be transferred~~]
- (2) Transferred to the state archives, state records center, or other agency[;], and the time period at which the records shall be transferred as directed; or [~~be destroyed~~];
- (3) Destroyed at the expiration of their retention period.

(c) The comptroller shall have full power of disposal of all records submitted for this purpose. The disposition authorization of all records, including lists submitted by the public officers, and the action taken by the comptroller, shall be kept on proper forms, specified by the comptroller, one copy of which shall be filed in the office, department, or bureau where the records originated, one copy shall be filed in the office of the attorney general, and the original shall be filed in the state archives.

~~[(b)]~~ (d) If requested, the comptroller shall provide assistance to the legislative branch of government or any agency or entity therein in establishing policies relating to the disposal of government records.

(e) The comptroller's authority over governmental records under this section shall only apply to governmental records created after August 21, 1959."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$303,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the costs necessary for the transfer of non-permanent government records to the state records center pursuant to chapter 94, Hawaii Revised Statutes; provided that \$118,000 of the moneys appropriated pursuant to this Act shall be used to fund the salaries of one full-time equivalent (1.0 FTE) position within the state archives to assist agencies in the identification and transfer of certain government records to the state records center and one full-time equivalent (1.0 FTE) position within the state archives to assist in the digitization of government records.

The sum appropriated shall be expended by the department of accounting and general services for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 179

S.B. NO. 3284

A Bill for an Act Relating to Information Technology Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that large organizations like the State of Hawaii could benefit from consolidating information technology services to gain economies of scale and provide for a more efficient and secure use of technology and information management. The consolidation of information technology services will also help to ensure that the State remains in compliance with growing regulatory requirements for accessibility, information storage, data sharing, and security, especially in light of recent high-profile attacks on government computer systems by hackers.

Accordingly, the purpose of this Act is to establish a working group to develop a plan for the phased consolidation of information technology services and staff within executive branch agencies in a five-year timespan, excluding the department of education, Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs.

SECTION 2. (a) There is established a technology services consolidation working group, that shall:

- (1) Develop a plan for the phased consolidation of all state executive branch information technology services and staff, where determined practicable by the working group, within five years, excluding the department of education, Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs, under the office of enterprise technology services. The plan shall include:

- (A) An identification of the specific positions and functions to be transferred in each department;
 - (B) Proposed dates of transfer for each position and function;
 - (C) Proposed information technology facility, personnel, and operational infrastructure needs of the consolidated information technology agency, with projections on future integration needs as additional agencies' information technology staff and services are added;
 - (D) Recommendations to enable the office of enterprise technology services to provide expert support to all state agencies regarding information technology activities in order to meet the needs of the agencies and the public; and
 - (E) Recommendations to ensure that agency services are not interrupted during the phased consolidation; and
- (2) Make recommendations to attract high-quality information technology professionals to the State, including the use of internships, and assess the feasibility of exempting certain positions from the requirements of chapters 76 and 89, Hawaii Revised Statutes.
- (b) Members of the working group shall include:
- (1) The chief information officer, who shall serve as chairperson;
 - (2) The single executive or the chairperson of the executive board, as the case may be, of each principal executive branch department or that person's designee, excluding the department of education, Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs; and
 - (3) Any other person that the chief information officer wishes to invite to serve on the working group.
- (c) The working group shall be administratively attached to the department of accounting and general services. The office of enterprise technology services shall provide administrative support to the working group.
- (d) No later than twenty days prior to the convening of the regular session of 2023, the working group shall submit to the legislature a preliminary status report. This preliminary status report shall also include any findings, recommendations, proposed legislation, and funding requirements necessary for the completion of the plan for a phased consolidation of state information technology services.
- (e) No later than twenty days prior to the convening of the regular session of 2024, the working group shall submit to the legislature a report of its findings and recommendations, including:
- (1) The plan for a phased consolidation of state information technology services developed pursuant to subsection (a)(1), including a detailed five-year phase-in schedule;
 - (2) Recommendations to attract high-quality information technology professionals to the State; and
 - (3) Any proposed legislation.
- (f) The working group shall be dissolved on December 31, 2023.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 180

S.B. NO. 3372

A Bill for an Act Relating to Public Procurement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 103D-707, Hawaii Revised Statutes, is amended to read as follows:

“§103D-707 Remedies after an award. (a) If after an award it is determined that a solicitation or award of a contract is in violation of law, then:

- (1) If the person awarded the contract has not acted fraudulently or in bad faith:
 - (A) The contract may be ratified and affirmed, or modified; provided that it is determined that doing so is in the best interests of the State; or
 - (B) The contract may be terminated and the person awarded the contract shall be compensated for the actual expenses, other than attorney’s fees, reasonably incurred under the contract, plus a reasonable profit, with such expenses and profit calculated not for the entire term of the contract but only to the point of termination;
- (2) If the person awarded the contract has acted fraudulently or in bad faith:
 - (A) The contract may be declared null and void; or
 - (B) The contract may be ratified and affirmed, or modified, if the action is in the best interests of the State, without prejudice to the State’s rights to such damages as may be appropriate.

(b) If the award of the contract was made in violation of law, and the award is rescinded and the contract, if executed, is terminated or declared null and void, then:

- (1) For solicitations issued pursuant to section 103D-302, the contract may be awarded to the next lowest responsive and responsible bidder; provided that all prices remain the same as originally bid; or
- (2) For solicitations issued pursuant to section 103D-303, the contract may be awarded to the next responsive and responsible offeror whose proposal is determined in writing to be the next most advantageous, taking into consideration the evaluation factors set forth in the solicitation; provided that all prices remain the same as originally offered.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 181

S.B. NO. 665

A Bill for an Act Relating to Violations of Campaign Finance Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-410, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) ~~[This section]~~ Subsections (a) through (f) shall not apply to any person who, ~~[prior to]~~ before the commencement of proceedings under this section, has paid or agreed to pay the fines prescribed by sections 11-340 and 11-391(b).”

SECTION 2. Section 11-411, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-411]]~~ **Criminal referral.** ~~[In lieu of]~~ In addition to an administrative determination that a violation of this part has been committed, the commission may refer the complaint to the attorney general or county prosecutor at any time ~~[it]~~ the commission believes the respondent may have recklessly, knowingly, or intentionally committed a violation.”

SECTION 3. Section 11-412, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-412]]~~ **Criminal prosecution.** (a) Any person who recklessly, knowingly, or intentionally violates any provision of this part shall be guilty of a misdemeanor~~[-]~~, unless another criminal penalty is specified.

(b) Any person who knowingly or intentionally falsifies any report required by this part with the intent to circumvent the law or deceive the commission or who violates section 11-352 or 11-353 shall be guilty of a class C felony. A person charged with a class C felony shall not be eligible for a deferred acceptance of guilty plea or nolo contendere plea under chapter 853.

~~(c)~~ Any person who intentionally provides false information concerning the name or address of the person paying for an advertisement that is subject to the requirements of section 11-391 shall be guilty of a class C felony.

~~(e)~~ (d) A person who is convicted under this section shall be disqualified from holding elective public office for a period of ~~[four]~~ ten years from the date of conviction.

~~(d)~~ (e) For purposes of prosecution for violation of this part, the offices of the attorney general and the prosecuting attorney of the respective counties shall be deemed to have concurrent jurisdiction to be exercised as follows:

- (1) Prosecution shall commence with a written request from the commission ~~[of]~~, upon the issuance of an order of the court~~[-]~~, or upon the exercise of the law enforcement authority of the attorney general or prosecuting attorney; provided that prosecution may commence ~~[prior to]~~ before any proceeding initiated by the commission or final determination;
- (2) In the case of statewide offices, parties, or issues, the attorney general or the prosecuting attorney for the city and county of Honolulu shall prosecute any violation; and
- (3) In the case of all other offices, parties, or issues, the attorney general or the prosecuting attorney for the respective county shall prosecute any violation.

~~[It]~~ If prosecution is commenced by a written request from the commission, the ~~[commission's choice of]~~ commission, in choosing the prosecuting agency, ~~[it]~~ shall be guided by whether any ~~[conflicting]~~ conflict of interest exists between the agency and its appointive authority.

~~(e)~~ (f) The court shall give priority to the expeditious processing of prosecutions under this section.

~~(f)~~ (g) Prosecution for violations of this part shall not commence after five years have elapsed from the date of the violation or date of filing of the report covering the period in which the violation occurred, whichever is later.

~~[(g) This section shall not apply to any person who, prior to the commencement of proceedings under this section, has paid or agreed to pay the fines prescribed by sections 11-340 and 11-391(b).]~~”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 182

H.B. NO. 1829

A Bill for an Act Relating to Bonds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Internal Revenue Code of 1986, as amended, provides for a formula for the allocation of the State’s annual ceiling for tax-exempt private activity bonds among governmental units authorized to issue these bonds. The legislature further finds that title 26 United States Code section 146(e) also allows a state to establish a different formula for allocating the state ceiling among its governmental units by state law. That authority was exercised in the enactment of Act 62, Session Laws of Hawaii 1987, which established a different ceiling allocation for the counties to provide more flexibility and to better serve the needs of the counties and other issuers of private activity bonds within the State.

The legislature further finds that the State is committed to the production and maintenance of available affordable housing for its residents and that housing-related projects could benefit from greater access to private activity bond financing. Increasing coordination between the State and the counties on the timing of private activity bond issuances would allow the State to more efficiently allocate private activity bonds for housing related projects.

Therefore, the purpose of this Act is to:

- (1) Require counties or issuers that retain their allocation to submit semi-annual reports on the status or use of any allocation to the department of budget and finance and Hawaii housing finance and development corporation;
- (2) Amend the date by which each county’s annual report of its unused or unassigned allocation must be submitted to the department of budget and finance;
- (3) Require that the county’s annual report also be submitted to the Hawaii housing finance and development corporation;
- (4) Prohibit the authorization of special purpose revenue bonds requiring the allocation of the annual ceiling, unless requested by the governor and approved by the legislature, within the period after June 30, 2022, and before December 31, 2028; and
- (5) Require allocation of the annual ceiling to a county with a population of five hundred thousand or more within the period after June

30, 2022, and before December 31, 2028, to be used only for rental housing projects eligible for low-income housing tax credits.

SECTION 2. Chapter 39B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§39B- Semi-annual report status or use of allocation.** In addition to the report required by section 39B-4, within thirty days of the end of each fiscal and calendar year, each county or any issuer shall submit a report to the department and the Hawaii housing finance and development corporation on the status or use of its portion of the allocation of the annual state ceiling, including any carryforward allocation, that has not been applied to an issuance of a qualified private bond, as evidenced by a certificate of the issuer or the director of finance of a county, as applicable.”

SECTION 3. Section 39B-4, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§39B-4]]~~ **Report of unused allocation; reversion to State.** The director of finance of each county shall report to the department in writing by ~~[December]~~ November 15 of each year as to the amount of allocation to such county which has not been applied to private activity bonds in such year or assigned pursuant to this chapter.

In preparing such report, the director of finance of the county shall deduct any allocation which is unused or unassigned as of ~~[December]~~ November 15 but will be applied to private activity bonds on or prior to December ~~[31]~~ 1 of such year.

Unless the director of finance of the county or any issuer, by written certificate, indicates to the department and the Hawaii housing finance and development corporation prior to ~~[December]~~ November 15 of each year that it intends to carry forward all or any portion of its allocation which has not been applied to private activity bonds in such year or assigned pursuant to this chapter, such unused or unassigned allocation shall revert to the State on December ~~[31]~~ 1 and the State shall be entitled to carry forward such unused or unassigned allocation as permitted by federal law.”

SECTION 4. Unless requested by the governor and approved by the legislature, no special purpose revenue bonds requiring an allocation of annual state ceiling under section 39B-2, Hawaii Revised Statutes, shall be authorized after June 30, 2022 and before December 31, 2028.

SECTION 5. Any allocation of the annual state ceiling under section 39B-2, Hawaii Revised Statutes, to a county with a population of over five hundred thousand after June 30, 2022, or before December 31, 2028, shall only be used for rental housing projects eligible for the low-income housing tax credit under section 235-110.8, Hawaii Revised Statutes.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 2, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Financing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the tension between protecting the health and safety of Hawaii's residents and visitors from the coronavirus and its highly contagious variants, while managing the economic health of Hawaii's hospitality industry and small businesses over the past two years has heightened the importance of diversifying Hawaii's economic base while simultaneously investing resources toward recovery efforts. Additionally, while the coronavirus disease 2019 pandemic has demonstrated the importance of ensuring the health of our people and economic health, the legislature also finds that it is equally important to invest resources to ensure Hawaii's environmental health.

As an example, the legislature finds that the State's streams, groundwater, and ocean are being harmed by nonpoint contamination sources that flow directly off the land, rather than through pipes or ditches. Cesspools are a non-point contamination source of great concern. These substandard systems are essentially holes in the ground that do not treat wastewater but merely dispose of polluted wastewater.

There are approximately eighty-eight thousand cesspools in the State, with nearly fifty thousand on Hawaii island, approximately fourteen thousand on Kauai, over twelve thousand on Maui, over eleven thousand on Oahu, and approximately one thousand four hundred on Molokai. Collectively, the State's cesspools release more than fifty-three million gallons of untreated sewage into the ground each day. Hawaii relies on groundwater for ninety per cent of its drinking water.

In response to the State's cesspool pollution problem, legislation was enacted in 2017 that requires all cesspools not excluded by the director of health to be upgraded or converted to director of health-approved wastewater systems or connected to sewage systems by January 1, 2050; however, cesspool conversions, which are estimated to cost some \$1,300,000,000, have been lagging.

The legislature further finds that Hawaii is susceptible to property loss due to hurricanes, tropical storms, and strong winds. The best long-term solution to reducing potential damage is the statewide use of wind resistive devices. While owners should inspect, repair, and reinforce their property to prepare for the possibility of a hurricane making landfall, the inspection, repair, and reinforcement consume resources from the owners' budgets. Improved properties that are not using energy conservation or production strategies contribute to the burden and reliance on fossil fuels. Improved properties not equipped with wind or flood resistant qualifying improvements contribute to the burden affecting all properties resulting from potential wind or flood damage. Improved properties that do not use septic tanks or are not connected to wastewater sewage systems contribute to water quality problems affecting the State, and properties that are not protected from harmful environmental health hazards contribute to the environmental health burdens affecting the State.

In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance. Innovative, non-traditional financing options and repayment mechanisms help bridge financing gaps, attract private capital, and address specific market failures and institutional barriers.

Providing non-traditional financing options to assist eligible commercial property owners for the upgrade, conversion, or connection to municipal or private wastewater systems, installation of energy conservation, renewable energy retrofits, improve a commercial property’s resilience and remove health hazards while facilitating other allowable purposes by addressing access to capital obstacles and enabling the financing of qualifying improvements through the execution of commercial property assessment financing contracts. The related imposition of voluntary assessments is reasonable and necessary to serve and achieve a compelling state interest and is necessary for the prosperity and welfare of the State and its commercial property owners.

Additionally, leveraging these non-traditional financing options and repayment mechanisms will accelerate economic recovery and economic diversification efforts statewide.

The purpose of this Act is to:

- (1) Establish a commercial property assessed financing program; and
- (2) Authorize property assessed financing for commercial properties.

SECTION 2. Chapter 196, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§196- Commercial property assessed financing program. (a) Any county having a charter may authorize the authority, pursuant to this section, to offer a commercial property assessed financing program within its jurisdiction and may contract with the authority for that purpose, and any county having a charter may enact its own commercial property assessed financing program pursuant to this section and section 46-80(b) and (c).

(b) The authority, as the administrator of the commercial property assessed financing program, shall coordinate with each county to bill and collect a non-ad valorem special tax assessment on a benefitted commercial property as a repayment mechanism on the real property tax bill or stand-alone bill. The non-ad valorem special tax assessment on a benefitted commercial property shall not be a generally applicable tax upon the real property but shall be collected in the same manner as real property taxes as a result of a benefit to the commercial property owners for qualifying improvements.

(c) The authority shall design a commercial property assessed financing program authorized under this section and section 46-80(b) that addresses market needs while attracting private capital and that shall, at a minimum, include the following elements:

- (1) A commercial property assessed financing lender may enter into a commercial property assessed financing assessment contract to finance or refinance a qualifying improvement only with the recorded owner of the affected commercial property and the authority. Each commercial property assessed financing assessment contract shall be executed by the authority as the administrator of the commercial property assessed financing program. A commercial property assessed financing assessment contract shall require the authority to assign, pledge, and transfer revenues to be derived from commercial property assessed financing assessments to one or more commercial property assessed financing lenders as security for their direct financing of qualifying improvements. The obligation of the authority to transfer the revenues to one or more commercial property assessed financing lenders shall be evidenced by the commercial property assessed financing assessment contract as an instrument of indebtedness in a form as may be prescribed by the authority. No

- other bonds shall be required to be issued by the State, the authority, any county, or any other public entity in order to cause qualifying improvements to be funded through a commercial property assessed financing assessment contract;
- (2) Qualifying improvements shall be affixed to a building or facility or affixed to real property, subject to the commercial property assessed financing assessments;
 - (3) Before entering into a commercial property assessed financing assessment contract, the commercial property assessed financing lender shall reasonably determine that:
 - (A) The commercial property owner is able to borrow the amount of the property assessed financing using reasonable commercial underwriting practices;
 - (B) All property taxes applicable to the commercial property, and any other assessments levied on the same bill as property taxes, are paid; and
 - (C) There are no involuntary liens applicable to the commercial property, including but not limited to construction liens, that will not be paid or satisfied upon the closing of the financing;
 - (4) The commercial property assessed financing assessment contract shall include the amount of an annual assessment over a fixed term that will appear as a non-ad valorem special tax assessment on the commercial property owner's tax bill or stand-alone bill annually;
 - (5) The commercial property assessed financing assessment contract, or summary memorandum of the contract, shall be recorded by the commercial property assessed financing lender in the public records of the State or of the county within which the commercial property is located within five days after execution by the parties to the contract. The recorded contract shall provide constructive notice of the levy of, and obligation of the commercial property owner to pay, the commercial property assessed financing assessment. The commercial property assessed financing assessment to be levied on the commercial property shall be a non-ad valorem special tax assessment and a lien against the commercial property on a parity with the lien of general real property taxes and the lien of any other assessments levied under section 46-80, from the date of recordation entered into pursuant to this section until paid or satisfied in accordance with the commercial property assessed financing assessment contract;
 - (6) Before entering into a commercial property assessed financing assessment contract for any commercial property, the commercial property owner shall provide the authority and the commercial property assessed financing lender with evidence of the written consent of each holder or loan servicer of any mortgage that encumbers or otherwise secures the commercial property, where the consent is in the sole and absolute discretion of each holder or loan servicer of a mortgage on the commercial property, at the time of the execution of the commercial property assessed financing assessment contract by the parties; provided that the consents shall be in a form prescribed by the authority;
 - (7) At or before the time a purchaser executes a contract for the sale and purchase of any commercial property for which a non-ad valorem special tax assessment has been levied under this part and has an unpaid balance due, the seller shall give the prospective purchaser a

- written disclosure statement notifying the prospective purchaser of the commercial property assessed financing assessment;
- (8) The term of the commercial property assessed financing assessment contract shall not exceed the useful life of the qualifying improvement being installed or the weighted average useful life of all qualifying improvements being financed if multiple qualifying improvements are being financed, as determined by the authority; and
 - (9) Before the execution by the authority of the first commercial property assessed financing assessment contract in a county, the authority shall enter into a contract with the county director of finance or county director of budget and fiscal services to cause the county director to levy and collect any commercial property assessed financing assessment approved and certified by the authority to the director for collection. The county director shall levy and collect any commercial property assessed financing assessment approved by the authority. Each commercial property assessed financing assessment that is approved for collection shall be a non-ad valorem special tax assessment and shall be collected in the same manner as general real property taxes are collected and be subject to the same penalties and same procedure, sale, and lien priority, subject to this section, in the case of delinquency as is provided by general law for the default of the payment of real property taxes, unless another procedure, including stand-alone billing and collection, is agreed upon by the authority and the county director. The county director may add to any commercial property assessed financing assessment reasonable administrative costs as agreed upon by the authority and the county director. The county director shall remit any commercial property assessed financing assessments collected, less any reasonable administrative costs added by the county director, to or on the direction of the authority, for further application by the authority to pay each commercial property assessed financing lender and to pay the reasonable administrative costs of the authority in accordance with each commercial property assessed financing assessment contract. The county director shall covenant in a contract or instrument, for the benefit of any commercial property assessed financing lender or bondholder, to commence and diligently pursue to completion the foreclosure of delinquent commercial property assessed financing assessments and any penalty, interest, and costs by advertisement and sale and with the same effect as provided by general law for sales of real property pursuant to default in payment of property taxes. The covenant shall specify a deadline for commencement of the foreclosure sale and any other terms and conditions the county director of finance or county director of budget and fiscal services determines reasonable regarding the foreclosure sale. For commercial property assessed financing assessments levied but not paid when due pursuant to a commercial property assessed financing assessment contract, the foreclosure of the lien of the commercial property assessed financing assessment, lien of general real property taxes or any other assessments levied under section 46-80, or any other lien foreclosed, shall not accelerate or extinguish the remaining term of the commercial property assessed financing assessment as approved in the commercial property assessed financing assessment contract.”

SECTION 3. Section 46-80, Hawaii Revised Statutes, is amended to read as follows:

“§46-80 Improvement by assessment; financing[-]; commercial property assessed financing program. (a) Any county having a charter may enact an ordinance, and may amend the same from time to time, providing for the making and financing of improvement districts in the county, and [sueh] the improvements may be made and financed under [sueh] the ordinance. The county may issue and sell bonds to provide funds for [sueh] the improvements. Bonds issued to provide funds for [sueh] the improvements may be either bonds when the only security therefor is the properties benefited or improved or the assessments thereon or bonds payable from taxes or secured by the taxing power of the county. If the bonds are secured only by the properties benefited or improved or the assessments thereon, the bonds shall be issued according and subject to the provisions of the ordinance. If the bonds are payable from taxes or secured by the taxing power, the bonds shall be issued according and subject to chapter 47. Except as is otherwise provided in section 46-80.1, in assessing land for improvements a county shall assess the land within an improvement district according to the special benefits conferred upon the land by the special improvement; these methods include assessment on a frontage basis or according to the area of land within an improvement district, or any other assessment method [which] that assesses the land according to the special benefit conferred, or any combination thereof.

(b) There is established a special improvement program to be known as a commercial property assessed financing program, which shall be administered by the Hawaii green infrastructure authority. A commercial property owner may apply to a commercial property assessed financing lender, approved by the authority, for property assessed financing to pay the cost of qualifying improvements and enter into a commercial property assessed financing contract with a commercial property assessed financing lender and the authority. Costs incurred for qualifying improvements shall be levied and collected by each county, as provided in section 196- , as a non-ad valorem special tax assessment on the benefitted commercial property. The authority, on behalf of the State, shall authorize commercial property assessed financing assessment contracts as instruments of indebtedness in the form as may be prescribed by the authority. Commercial property assessed financing assessment contracts authorized to finance qualifying improvements, when the only security is the non-ad valorem special tax assessment levied against benefitted or improved commercial property, shall be excluded from any determination of the power of the State to issue general obligation bonds or funded debt for purposes of section 13 of article VII of the state constitution.

(c) Any county having a charter may enact an ordinance, and may amend the same from time to time, to establish a special improvement program containing the same elements as the commercial property assessed financing program authorized under chapter 196 and subsection (b), except that any program that is established shall be administered by the county in lieu of administration by the authority. The county shall assume all of the responsibilities of the authority provided in chapter 196 and subsection (b), including determining qualifying improvements eligible for property assessed financing. A commercial property owner may apply to the county for property assessed financing to pay the costs of qualifying improvements and enter into a commercial property assessed financing assessment contract with an approved commercial property assessed financing lender and the county. Costs incurred for qualifying improvements shall be levied and collected by each county, as provided in section 196- , as a non-ad valorem special tax assessment on the benefitted commercial property. The county may issue revenue bonds to finance or refinance the improvements, and the form of any revenue bond may be a commercial property assessed financ-

ing assessment contract or other instrument prescribed by the county. Bonds issued to finance qualifying improvements, when the only security is the non-ad valorem special tax assessment levied against benefitted or improved commercial property, shall be excluded from any determination of the power of the county to issue general obligation bonds or funded debt for purposes of article VII, section 13, of the state constitution.

SECTION 4. Section 196-61, Hawaii Revised Statutes, is amended by adding eight new definitions to be appropriately inserted and to read as follows:

“Commercial property” means any existing or new real property not defined as a residential property, and shall include any property where there is a leasehold or possessory interest in the property and any multi-family dwelling or townhouse consisting of five or more units as well as agricultural property.

“Commercial property assessed financing assessment” means the non-ad valorem special tax assessment that secures the repayment of financing obtained by an owner of commercial property for a qualifying improvement and that appears on a property tax bill.

“Commercial property assessed financing assessment contract” means the financing contract, under the commercial property assessed financing program, by and among one or more commercial property assessed financing lenders, one or more commercial property owners, and the authority as the administrator of the commercial property assessed financing program for the acquisition or installation of qualifying improvements.

“Commercial property assessed financing lender” means a financial institution as defined pursuant to section 412:1-109, or a private or public lender approved by the authority, as the administrator of the commercial property assessed financing program, to originate commercial property assessed financing assessment contracts, and which may include any successor or assignee of the lender as provided in the commercial property assessed financing assessment contract.

“Commercial property assessed financing program” means a program to finance qualifying improvements on commercial properties that are repaid through a non-ad valorem special tax assessment on the commercial property owner’s property tax bill.

“County director of finance” or “county director of budget and fiscal services” means the officer or officers of the county charged with the responsibility of administering the real property taxation function of the county.

“Non-ad valorem special tax assessment” means a special tax assessment or governmental charge levied by the county as provided in section 196- on a benefitted commercial property that appears on a property tax bill.

“Qualifying improvement” means a septic system or aerobic treatment unit system or connection to sewer systems, clean energy technology, efficiency technology, resiliency measure, or other improvement approved by the authority.”

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Community Development.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . . . TRANSIT-ORIENTED DEVELOPMENT
INFRASTRUCTURE IMPROVEMENT DISTRICT**

§206E-A Findings and purpose. The legislature finds that construction, installation, and improvement of certain infrastructure is necessary and desirable to facilitate renewal and redevelopment of areas designated by the State and the counties for transit-oriented development. Transit-oriented development is a powerful tool that can ultimately deliver a wide range of social, environmental, and economic benefits. Transit-oriented development promotes development patterns that support quality of life, preserves the natural environment, provides a range of housing choices for residents, and encourages walking, biking, and use of mass transit. The State plays an important role in overcoming barriers to transit-oriented development, including encouraging needed investments in improving regional infrastructure such as roads, sewers, water, power, communication, and storm water management systems. This part is intended to move transit-oriented development planning efforts forward into infrastructure improvements that benefit the community. The legislature further finds that, currently, no single state agency has the authority to improve infrastructure along a transit corridor in the best interest of the State. This part will enable the delivery of infrastructure needed to support development on lands within designated transit-oriented development zones.

Accordingly, the purpose of this part is to establish transit-oriented development infrastructure improvement districts to foster community development by strategically investing in infrastructure improvements.

§206E-B Definitions. As used in this part:

“Board” means the transit-oriented development infrastructure improvement district board.

“District” means the transit-oriented development infrastructure improvement district within each county-designated transit-oriented development zone, or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones, as determined by the board.

“Fund” means the transit-oriented development infrastructure improvement district special fund established under section 206E-G.

“Program” means the transit-oriented development infrastructure improvement district program developed by the board pursuant to section 206E-F.

§206E-C District established; boundaries. (a) The transit-oriented development infrastructure improvement district is hereby established under the authority.

(b) The district shall comprise the parcels of land within county-designated transit-oriented development zones, or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones, as determined by the board, which shall take into account proximity, walkability, adopted county plans, and other relevant factors; provided that in a county with a population in excess of five hundred thousand,

a transit-oriented development zone shall include a rail station or a planned rail station. The district shall include all parcels of land of which any portion of the parcels are located within the county-designated transit-oriented development zones, or within a one-half mile radius around proposed or existing transit stations if the county has not designated transit-oriented development zones.

§206E-D Transit-oriented development infrastructure improvement district board; established; members; terms; vacancies. (a) There is established the transit-oriented development infrastructure improvement district board, which shall be placed under the authority within the department of business, economic development, and tourism for administrative purposes. The board shall carry out the duties and responsibilities as set forth in this part.

- (b) The board shall consist of the following voting members:
 - (1) The director of finance or the director's designee;
 - (2) The director of transportation or the director's designee;
 - (3) The director of the office of planning and sustainable development or the director's designee;
 - (4) The director of planning and permitting of the county in which each district is located or the director's designee; and
 - (5) The following members, who shall be appointed by the governor pursuant to section 26-34:
 - (A) A cultural specialist;
 - (B) An at-large member, to be selected from a list of three nominees submitted by the president of the senate;
 - (C) An at-large member, to be selected from a list of three nominees submitted by the speaker of the house of representatives;
 - (D) A resident of the county where the district is located, to be selected from a list of three nominees submitted by the president of the senate; and
 - (E) A resident of the county where the district is located, to be selected from a list of three nominees submitted by the speaker of the house of representatives.

(c) The terms of the appointed members shall be for four years, commencing on July 1 and expiring on June 30; provided that the governor shall provide for staggered terms of the initially appointed members so that the initial terms of one at-large member and one district member selected by lot shall be for three years, the initial terms of one at-large member and one district member selected by lot shall be for four years, and the term of the cultural specialist shall be for two years.

(d) If a vacancy occurs, a member shall be appointed to fill the vacancy in the same manner as the original appointment within thirty days of the vacancy or within ten days of the senate's rejection of a previous appointment, as applicable.

(e) The terms of the director of finance, director of transportation, director of the office of planning and sustainable development, and the county directors of planning and permitting, or their respective designees, shall run concurrently with each director's term of office.

(f) Notwithstanding section 92-15, a majority of all eligible voting members as specified in this section shall constitute a quorum to do business, and the concurrence of a majority of all eligible voting members present shall be necessary to make any action of the board valid. All members shall continue in office until their respective successors have been appointed and received advice and consent of the senate. Except as provided herein, no member appointed

under this section shall be an officer or employee of the State or its political subdivisions.

(g) The members of the board shall serve without compensation but each shall be reimbursed for expenses, including travel expenses, incurred in the performance of their duties.

§206E-E Transit-oriented development infrastructure improvement district board; powers; generally. Except as otherwise limited by this part, with respect to the development, construction, and improvement of infrastructure within the districts, the board may:

- (1) Establish and administer districts and programs;
- (2) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this part;
- (3) Prepare or cause to be prepared an infrastructure improvement plan for the district;
- (4) Acquire, reacquire, or contract to acquire or reacquire, by grant or purchase, real, personal, or mixed property, or any interest therein, and own, hold, clear, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or otherwise dispose of or encumber the same;
- (5) Acquire or reacquire by condemnation real, personal, or mixed property, or any interest therein, for infrastructure improvement;
- (6) By itself or in partnership with qualified persons, acquire, reacquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any infrastructure and own, hold, sell, assign, transfer, convey, exchange, lease, or otherwise dispose of or encumber any infrastructure improvement;
- (7) Arrange or contract for the planning, replanning, opening, grading, or closing of streets, roads, roadways, alleys, or other places, or the furnishing of facilities, or for the acquisition of property or property rights, or for the furnishing of property or services in connection with an infrastructure improvement project;
- (8) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any infrastructure improvement project, and, from time to time, modify the plans, specifications, designs, or estimates of any infrastructure improvement project;
- (9) Provide advisory, consultative, training, and educational services; technical assistance; and advice to any person, partnership, or corporation, either public or private, to carry out the purposes of this part, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (10) Procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it deems desirable;
- (11) Contract for and accept gifts or grants in any form from any public agency or from any other source; and
- (12) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this part.

§206E-F Transit-oriented development infrastructure improvement district program; assessment; rules. (a) The board shall develop a transit-oriented

development infrastructure improvement district program to identify infrastructure improvements within each district. In determining the required infrastructure improvements to be undertaken, the board shall consider the strategic plan prepared by the Hawaii interagency council for transit-oriented development pursuant to section 226-63(c) and subsequent plans and studies prepared to further implement the strategic plan and the transit-oriented development projects therein.

(b) Whenever the board determines to undertake, or causes to be undertaken, any infrastructure improvement as part of the program, the cost of providing the infrastructure improvement may be assessed against the real property in each district specially benefiting from the infrastructure improvement. The board shall determine the areas of each district that will benefit from the infrastructure improvement to be undertaken, and if less than the entire district benefits, the board may establish assessment areas within the district. The board may issue and sell bonds in amounts as may be authorized by the legislature to provide funds to finance the infrastructure improvements. The board may fix the assessments against real property specially benefited. All assessments made pursuant to this section shall be a statutory lien against each lot or parcel of land assessed from the date of the notice declaring the assessment until the assessment is paid, and the lien shall have priority over all other liens except the lien of property taxes. As between liens of assessments, the earlier lien shall be superior to the later lien.

(c) Bonds issued to provide funds to finance transit-oriented development infrastructure improvements shall be secured solely by the real properties benefited or improved, the assessments thereon, or the revenues derived from the program for which the bonds are issued, including reserve accounts and earnings thereon, insurance proceeds, and other revenues, or any combination thereof. The bonds may be additionally secured by the pledge or assignment of loans and other agreements or any note or other undertaking, obligation, or property held by the board. Bonds issued pursuant to this section and the income therefrom shall be exempt from all state and county taxation, except transfer and estate taxes. The bonds shall be issued subject to rules adopted by the board pursuant to this section.

(d) Notwithstanding any other law to the contrary, in assessing real property for transit-oriented development infrastructure improvement, the board shall assess the real property within an assessment area according to the special benefits conferred upon the real property by the infrastructure improvement. These methods may include assessment on a frontage basis or according to the area of real property within an assessment area or any other assessment method that assesses the real property according to the special benefit conferred, or any combination thereof. No assessment levied against real property specially benefited as provided by this part shall constitute a tax on real property within the meanings of any constitutional or statutory provisions. No assessment shall be levied against real property owned by the federal government, the State, or a county, or an agency thereof, without the prior written consent of the owner.

(e) The board shall adopt rules pursuant to chapter 91 to provide for the method of undertaking and financing transit-oriented development infrastructure improvement in an assessment area or an entire district. The rules adopted pursuant to this section shall include but not be limited to:

- (1) The methods by which the board shall establish assessment areas;
- (2) The method of assessment of real properties specially benefited;
- (3) The costs to be borne by the board, the county in which districts are situated, and the property owners;

- (4) The procedures before the board relating to the creation of the assessment areas by the owners of real property therein, including provisions for petitions, bids, contracts, bonds, and notices;
 - (5) Provisions relating to assessments;
 - (6) Provisions relating to financing, including bonds, revolving funds, advances from available funds, special funds for payment of bonds, payment of principal and interest, and sale and use of the bonds;
 - (7) Provisions relating to funds and refunding of outstanding debts;
 - (8) Provisions relating to limitations on time to sue; and
 - (9) Other related provisions.
- (f) Notwithstanding any other provisions to the contrary, the board may, in its discretion, enter into any agreement with the county in which the districts are located to implement all or part of the purposes of this section.
- (g) All sums collected under this section shall be deposited into the transit-oriented development infrastructure improvement district special fund established under section 206E-G and shall be applied solely to:
- (1) The payment of the principal and interest on the bonds and the cost of administering, operating, and maintaining the program;
 - (2) The establishment of reserves; and
 - (3) Other purposes as may be authorized in the proceedings providing for the issuance of the bonds.

If any surplus remains in the fund after the payment of the bonds chargeable against the fund, it shall be credited to and become a part of the fund.

(h) The transit-oriented development infrastructure improvements to be financed through bonds issued by the board may be dedicated to the county in which the infrastructure improvements are to be located. The board shall ensure that the infrastructure improvements are designed and constructed to meet county requirements and shall enter into an agreement with the county for dedication of the public facilities.

(i) Notwithstanding any law to the contrary, whenever it becomes necessary to remove, relocate, replace, or reconstruct public utility facilities that are part of a program, the board shall establish by rule the allocation of cost between the board, the affected public utilities, and the properties that may specially benefit from the improvement, if any. In determining the allocation of cost, the board shall consider the cost allocation policies for districts established by the county in which the removal, relocation, replacement, or reconstruction is to take place.

§206E-G Transit-oriented development infrastructure improvement district special fund. (a) There is established in the state treasury the transit-oriented development infrastructure improvement district special fund, into which shall be deposited:

- (1) All revenues, income, and receipts from the transit-oriented development infrastructure improvement district program;
 - (2) Moneys directed, allocated, or disbursed to the district from government agencies or private individuals or organizations, including grants, gifts, awards, donations, and assessments of landowners for costs to administer and operate the district;
 - (3) Assessments collected under section 206E-F; and
 - (4) Moneys appropriated to the fund by the legislature.
- (b) Moneys in the fund shall be used only for the purposes of this part.
- (c) Investment earnings credited to the assets of the fund shall become part of the fund.

§206E-H Memorandum of agreement. The board may execute memoranda of agreement with appropriate governmental agencies.

§206E-I Annual comprehensive report. The board shall submit an annual comprehensive report on the progress of development within the district to the legislature no later than twenty days prior to the convening of each regular session.”

SECTION 2. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 185

S.B. NO. 3325

A Bill for an Act Relating to Carbon Sequestration Incentives.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that climate change has led to an increase in the frequency of extreme weather events. These events serve to only complicate the already increased risks associated with the Hawaiian islands, which are the world’s most isolated populated land masses. Extreme weather events put greater stress on the State’s vulnerable food supply chain and water supplies. The potential for shortages highlights the State’s need for greater food and water security, which can be achieved by increasing local food production.

The legislature further finds that Hawaii needs to reduce its contribution to climate change, increase local food production, improve soil health, and secure resilient water sources. Furthermore, in addition to cutting emissions from burning carbon, Hawaii needs to mitigate climate change by sequestering greenhouse gases through regenerative agriculture and forest preservation. Incentivizing nature-based actions that improve soil health and are carbon-positive provides rich and diverse co-benefits, such as restoring, maintaining, and improving landscape soil health and water security through payment-for-services programs. These programs would allow small farmers, ranchers, foresters, and landowners and lessees to be compensated for taking measures to help Hawaii reach its climate readiness goals.

Accordingly, the purpose of this Act is to:

- (1) Establish the Hawaii carbon smart land management assistance pilot program to promote keeping forests and farmlands intact and sequestering additional carbon on the lands; and
- (2) Repeal the carbon offset program.

SECTION 2. (a) There is established within the department of land and natural resources the Hawaii carbon smart land management assistance pilot program to incentivize carbon sequestration activities through incentive contracts that provide compensation for eligible practices by program participants.

(b) The department shall:

- (1) Administer or enter into an agreement or agreements for the administration of the pilot program;

- (2) Coordinate with relevant agencies to provide financial incentive payments to owners and lessees of eligible land for eligible practices over a designated period, with appropriate crediting for soil health and carbon benefits as specified in an incentive contract;
 - (3) Establish and implement protocols to monitor and verify compliance with the terms of incentive contracts;
 - (4) Make available to the public any modeling, methodology, or protocol resources developed to estimate the sequestration rates of potential projects;
 - (5) Identify, evaluate, and distribute dedicated moneys to accomplish the purposes of the pilot program; and
 - (6) Coordinate collaborations related to soil health and carbon sequestration modeling, methods, and inventory improvements.
- (c) The department, with assistance from relevant agencies, shall establish compensation rates and incentive contract terms for phase I activities within one year of the date of receipt of a program application. An incentive contract shall be for a term of no less than one year and no longer than thirty years, as determined by the owner or lessee; provided that the length of the contract term shall directly correlate with the rate of compensation paid pursuant to the contract.
- (d) The department shall coordinate with relevant agencies to assist the department in carrying out the purposes of the pilot program, including:
- (1) Estimating sequestration rates for phase I and phase II activities;
 - (2) Conducting research to develop the technical underpinnings of compensation rates for phase II activities; and
 - (3) Conducting community and landowner outreach activities.
- (e) Landowners and lessees of eligible land may enter into an incentive contract upon approval of a program application on a form prepared by the department. An owner or lessee of eligible land currently engaged in eligible practices shall not:
- (1) Be barred from entering into an incentive contract under this section to continue carrying out those eligible practices;
 - (2) Be prohibited from participating in the pilot program due to the owner or lessee's participation in other federal or state conservation assistance programs; or
 - (3) Be required to provide conservation easements.
- (f) Priority shall be given to phase I and phase II activities that:
- (1) Are cost effective;
 - (2) Provide co-benefits to the State and the owner or lessee of eligible land;
 - (3) Have the potential to create jobs in the forestry or agriculture sectors and in rural communities; and
 - (4) Achieve community priorities, including food security or watershed protection.
- (g) On an annual basis, the department shall:
- (1) Identify and prioritize selected soil health and carbon-positive activities;
 - (2) Recommend compensation rates and contract terms for eligible phase I activities;
 - (3) Assist in estimating sequestration rates for carbon-positive practices;
 - (4) Research and develop the technical underpinnings of compensation rates for phase II activities; and
 - (5) Conduct community and landowner outreach activities.
- (h) The department shall also identify co-benefits that may include:

- (1) Job creation;
 - (2) Food security and agriculture for local consumption;
 - (3) Water security;
 - (4) Increased biodiversity;
 - (5) Soil health; and
 - (6) Invasive species reduction and removal.
- (i) The pilot program shall terminate on June 30, 2025.
- (j) As used in this section:

“Department” means the department of land and natural resources.

“Eligible land” means land in the State that is privately owned or public land that is leased to a private citizen at the time of initiation of an incentive contract.

“Eligible practices” means practices on eligible land that increase soil health, reduce carbon emissions, and promote carbon sequestration and storage over a designated period.

“Incentive contract” means a contract that specifies the following:

- (1) The eligible practices to be undertaken;
- (2) The acreage of eligible land;
- (3) The established rate of compensation;
- (4) A schedule to verify that the terms of the contract have been fulfilled; and
- (5) Other terms as the department deems necessary.

“Phase I activities” means activities identified as having a high likelihood of effectively achieving durable sequestration benefits at reasonable compensation rates across eligible land types, including:

- (1) One-time establishment and yearly monitoring activities that include:
 - (A) Reforestation;
 - (B) Windbreaks;
 - (C) Conservation tillage and reduced field pass intensity;
 - (D) Improved forages; and
 - (E) Control of invasive species; and
- (2) Yearly investment activities that include:
 - (A) Efficient nutrient management;
 - (B) Crop diversity through rotations and cover crops;
 - (C) Manure management;
 - (D) Rotational grazing and improved forages;
 - (E) Waste-stream-derived amendment application, including compost, biochar, and anaerobic digest;
 - (F) Improved cropping and organic systems; and
 - (G) Feed management.

“Phase II activities” means activities identified as having significant sequestration potential but requiring additional technical work to estimate the activities’ sequestration potential or to identify appropriate eligible land types, including:

- (1) Perennial biofuel feedstocks;
- (2) Methane capture;
- (3) Improved forest management;
- (4) Conservation easements; and
- (5) Other renewable energy options involving blended food and energy systems.

“Pilot program” means the Hawaii carbon smart land management assistance pilot program established by this Act.

SECTION 3. Section 225P-6, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed and stricken.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 186

H.B. NO. 1810

A Bill for an Act Relating to the Environmental Advisory Council.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 341-5.5, Hawaii Revised Statutes, is amended to read as follows:

“[§341-5.5] Environmental advisory council; established[-]; quorum; number of votes necessary to validate acts. (a) There is created an environmental advisory council not to exceed fifteen members. Members of the environmental advisory council shall be appointed by the governor as provided in section 26-34. The environmental advisory council shall be established within the office of planning and sustainable development for administrative purposes. The term of each member shall be four years. Vacancies shall be filled for the remainder of any unexpired term in the same manner as original appointments. The environmental advisory council chairperson shall be elected by the council from among the appointed members of the council.

(b) A majority of all of the members currently appointed to the environmental advisory council shall constitute a quorum to do business, and the concurrence of a majority of all of the members currently appointed to the environmental advisory council shall be necessary to make any action of the council valid.

[(b)] (c) Members shall be appointed to ensure a broad and balanced representation of educational, business, and environmentally pertinent disciplines and professions, such as the natural and social sciences, the humanities, architecture, engineering, environmental consulting, public health, and planning; educational and research institutions with environmental competence; agriculture, real estate, visitor industry, construction, and media; and voluntary community and environmental groups. The members of the environmental advisory council shall serve without compensation but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the discharge of their duties.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

A Bill for an Act Relating to the Department of Business, Economic Development, and Tourism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 201, Hawaii Revised Statutes, is amended by adding a new section to part IX to be appropriately designated and to read as follows:

“§201- State media industry development liaison; establishment. (a) There is established within the creative industries division of the department a state media industry development liaison to plan, develop, and execute a state-wide media industry development strategy to include all counties in the State for the purposes of establishing a collaborative media industry development program.

(b) The state media industry development liaison shall be appointed by the director of business, economic development, and tourism without regard to chapter 76.”

SECTION 2. Each position existing within the film industry branch of the creative industries division of the department of business, economic development, and tourism as of July 1, 2022, shall retain the civil service status and duties of that respective position.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$60,000 or so much thereof as may be necessary for fiscal year 2022-2023 to establish and fill one full-time equivalent (1.00 FTE) state media industry development liaison position exempt from chapter 76, Hawaii Revised Statutes.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$33,600 or so much thereof as may be necessary for fiscal year 2022-2023 to establish and fill one full-time equivalent (1.00 FTE) administrative assistant position within the creative industries division of the department of business, economic development, and tourism.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 188

H.B. NO. 2255

A Bill for an Act Relating to Energy Efficiency.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 196-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) With regard to buildings and facilities, each agency shall:

- (1) Design and construct buildings meeting the Leadership in Energy and Environmental Design silver or two green globes rating system or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system, except when the guideline, standard, or system interferes or conflicts with the use of the building or facility as an emergency shelter;
- (2) Incorporate energy-efficiency measures to prevent heat gain in residential facilities up to three stories in height to provide R-19 or equivalent on roofs, R-11 or equivalent in walls, and high-performance windows to minimize heat gain and, if air conditioned, minimize cool air loss. R-value is the constant time rate resistance to heat flow through a unit area of a body induced by a unit temperature difference between the surfaces. R-values measure the thermal resistance of building envelope components such as roof and walls. The higher the R-value, the greater the resistance to heat flow. Where possible, buildings shall be oriented to maximize natural ventilation and day-lighting without heat gain and to optimize solar for water heating. This provision shall apply to new residential facilities built using any portion of state funds or located on state lands;
- (3) Install solar water heating systems where it is cost-effective, based on a comparative analysis to determine the cost-benefit of using a conventional water heating system or a solar water heating system. The analysis shall be based on the projected life cycle costs to purchase and operate the water heating system. If the life cycle analysis is positive, the facility shall incorporate solar water heating. If water heating entirely by solar is not cost-effective, the analysis shall evaluate the life cycle, cost-benefit of solar water heating for preheating water. If a multi-story building is centrally air conditioned, heat recovery shall be employed as the primary water heating system. Single family residential clients of the department of Hawaiian home lands and any agency or program that can take advantage of utility rebates shall be exempted from the requirements of this paragraph so they may continue to qualify for utility rebates for solar water heating;
- (4) Implement water and energy efficiency practices in operations to reduce waste and increase conservation;
- (5) Incorporate principles of waste minimization and pollution prevention, such as reducing, revising, and recycling as a standard operating practice in programs, including programs for waste management in construction and demolition projects and office paper and packaging recycling programs;
- (6) Use life cycle cost-benefit analysis to purchase energy efficient equipment such as ENERGY STAR products [and]; use public benefits fee administrator and utility rebates where available to reduce purchase and installation costs; and prioritize appliances that meet

- the standards required to qualify for public benefits fee administrator rebates; and
- (7) Procure environmentally preferable products, including recycled and recycled-content, bio-based, and other resource-efficient products and materials.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 189

S.B. NO. 2056

A Bill for an Act Relating to Soil Classifications.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State has not completed a comprehensive soil study or completed sufficient agricultural soil mapping in over fifty years. The first and only statewide soil mapping, classification, and characterization study was conducted by the land study bureau of the university of Hawaii from 1965 through 1972. This classification system remains the master reference for the regulation of lands in the state agricultural land use district by the State and counties. The land study bureau classification system reflects the agricultural activities of plantation sugar cane and pineapple production that dominated Hawaii agriculture at the time of the study.

The legislature further finds that the United States Department of Agriculture maintains detailed information on Hawaii soils in its national soil classification system, which is regularly updated by the federal government. The United States Department of Agriculture’s soils inventory and classification system is also the reference dataset for many of the United States Department of Agriculture’s programs.

To meet the State’s food sustainability goals and enhance local agricultural productivity, it is important to utilize effective standards for identifying productive agricultural lands and protect long-term agricultural use under state and county land use regulatory systems. Accurate soil data reflecting soil characteristics, soil properties, and identification of limits, risks, and soil suitability for various uses helps optimize public and private investments in agriculture to meet Hawaii’s food and agricultural sustainability goals.

Accordingly, the purpose of this Act is to:

- (1) Require the office of planning and sustainable development to conduct a study of the suitability of the land study bureau soil overall (master) productivity rating system and other soil classification systems in the regulation of agricultural lands in the State and make recommendations for the use of soil classification systems for agricultural land use regulation; and
- (2) Appropriate funds to conduct the study.

SECTION 2. The office of planning and sustainable development shall conduct a study of the suitability of soil classification systems, including the soil overall (master) productivity rating system and detailed land classification of

the land study bureau, for the regulation of agricultural lands by the State and counties.

SECTION 3. In conducting the study required by this Act, the office of planning and sustainable development shall request, as appropriate, the assistance of the department of agriculture, college of tropical agriculture and human resources of the University of Hawaii at Manoa, and the land use commission, which shall cooperate with and provide any necessary resources to the office of planning and sustainable development. The office of planning and sustainable development may further consult with the United States Department of Agriculture, if necessary.

SECTION 4. The office of planning and sustainable development shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$325,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the office of planning and sustainable development to conduct the study as required by this Act.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 190

S.B. NO. 2398

A Bill for an Act Relating to the Hawaii Community Development Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . PULEHUNUI COMMUNITY DEVELOPMENT DISTRICT

§206E- Purposes; findings. The legislature finds that public lands in Pulehunui, Maui, are underutilized. Redeveloping, renovating, or improving these public lands to provide suitable recreational, residential, educational, industrial, governmental, and commercial areas where the public can live, congregate, recreate, attend schools, and shop as part of a thoughtfully integrated experience is in the best interest of the State.

§206E- Definitions. As used in this part:

“District” means the Pulehunui community development district.

“Fund” means the Pulehunui community development district special fund.

§206E- District established; boundaries. (a) The Pulehunui community development district is hereby established under the authority.

(b) The authority shall serve as the local redevelopment agency for the district.

(c) The district shall comprise the following properties:

- (1) TMK 2-3-8-008-001;
- (2) TMK 2-3-8-008-007;
- (3) TMK 2-3-8-008-037; and
- (4) TMK 2-3-8-008-038.

§206E- Development policies. The following development policies shall guide the authority in the district:

- (1) Archaeological, historical, and cultural sites shall be preserved and protected in accordance with chapter 6E;
- (2) Endangered species of flora and fauna shall be preserved to the extent required by law;
- (3) Land use and development activities within the district shall be coordinated with and, to the extent possible, complement existing county and state policies, plans, and programs affecting the district; and
- (4) Public facilities within the district shall be planned, located, and developed to support the development policies established by this section and any rules adopted pursuant to this part.

§206E- Financial aid from the federal government; contracts with the federal government. (a) The authority may secure financial aid from the federal government for any planning, design, development, construction, and maintenance work that the authority is authorized to undertake pursuant to this part.

(b) In addition, and supplemental to the powers granted to the authority under section 206E-4, the authority may:

- (1) Borrow moneys or accept grants from the federal government in aid of or for any development project the authority is authorized to undertake pursuant to this part;
- (2) Issue bonds or other evidence of indebtedness and pledge revenues and other assets as security for indebtedness incurred pursuant to this part;
- (3) Repay any indebtedness, including any interest incurred thereon by the authority pursuant to this part;
- (4) Procure insurance or loan guarantees from the federal government for the payment of any debts or parts thereof secured by mortgages made by or held by the authority;
- (5) Execute contracts with the federal government in accordance with this part; and
- (6) Comply with terms and conditions required by the federal government in any contract or grant for federal assistance.

(c) It is the purpose and intent of this section to authorize the authority to do all things necessary to secure the cooperation of and financial aid from the federal government for any planning, design, development, construction, and maintenance work that the authority is authorized to undertake pursuant to this part.

§206E- Pulehunui community development district special fund. (a) There is established in the state treasury the Pulehunui community development district special fund, into which shall be deposited:

- (1) All revenues, income, and receipts of the authority for the district;
- (2) Moneys directed, allocated, or disbursed to the district from government agencies or private individuals or organizations, including grants, gifts, awards, donations, and assessments of landowners for costs to administer and operate the district; and

- (3) Moneys appropriated to the fund by the legislature.
- (b) Moneys in the fund shall be used only for the purposes of this part.
- (c) Investment earnings credited to the assets of the fund shall become assets of the fund.

§206E- Annual comprehensive report. No later than twenty days prior to the convening of each regular session, the authority shall submit to the legislature an annual comprehensive report on the progress of development within the district.”

SECTION 2. Section 206E-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The authority shall consist of the director of finance or the director’s designee; the director of transportation or the director’s designee; the director of business, economic development, and tourism or the director’s designee; the chairperson of the board of land and natural resources; the director of planning or planning and permitting of each county in which a community development district is located or the director’s designee; a cultural specialist; ~~an at-large member;~~ an at-large member nominated by the ~~senate~~ president~~;~~ of the senate; an at-large member nominated by the speaker of the house~~;~~ three ~~of representatives;~~ two representatives of the Heeia community development district, comprising ~~two residents~~ one resident of that district or the Koolaupoko district, which consists of sections 1 through 9 of zone 4 of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Heeia community development district or Koolaupoko district~~;~~ nominated by the county council of the county in which the Heeia community development district is located; ~~three~~; two representatives of the Kalaehoa community development district, comprising ~~two residents~~ one resident of the Ewa zone (zone 9, sections 1 through 2) or the Waianae zone (zone 8, sections 1 through 9) of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Ewa or Waianae zone~~;~~ nominated by the county council of the county in which the Kalaehoa community development district is located; ~~three~~; two representatives of the Kakaako community development district, comprising ~~two residents~~ one resident of the district and one owner of a small business or one officer or director of a nonprofit organization in the district~~;~~ nominated by the county council of the county in which the Kakaako community development district is located; the director of planning and permitting of each county in which a community development district is located or the director’s designee, who shall serve in an ex officio, nonvoting capacity; and the chairperson of the Hawaiian homes commission or the chairperson’s designee, who shall serve in an ex officio, nonvoting capacity~~;~~ and two representatives of the Pulehunui community development district, consisting of one resident of the island of Maui, and one owner of a small business or one officer or director of a nonprofit organization on the island of Maui.

All members except the director of finance, director of transportation, county directors of planning or planning and permitting, ~~and chairperson of the Hawaiian homes commission or their designees~~ director of business, economic development, and tourism, chairperson of the board of land and natural resources, or their respective designees shall be appointed by the governor pursuant to section 26-34. The two at-large members nominated by the ~~senate~~ president of the senate and speaker of the house ~~and the nine representatives of the respective community development districts~~ of representatives shall each be

invited to serve and appointed by the governor from a list of three nominees submitted for each position by the nominating authority specified in this subsection.

The president of the senate and the speaker of the house of representatives shall each submit a list of six nominees for each district to the governor to fill the two district representative positions for each community development district. For each community development district, the governor shall appoint one member from a list of nominees submitted by the president of the senate and one member from a list of nominees submitted by the speaker of the house of representatives, and of the two appointees, one shall meet the district residency requirement and one shall meet the district small business owner or nonprofit organization officer or director requirement.

The authority shall be organized and shall exercise jurisdiction as follows:

- (1) For matters affecting the Heeia community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning and permitting for the county in which the Heeia community development district is located or the director's designee;
 - ~~(E)~~ (E) The cultural specialist;
 - ~~(F)~~ (F) The ~~[three]~~ two at-large members; and
 - ~~(G)~~ (G) The ~~[three]~~ two representatives of the Heeia community development district;

~~[provided that the director of planning and permitting of the relevant county or the director's designee shall participate in these matters as an ex officio, nonvoting member and shall not be considered in determining quorum and majority;]~~
- (2) For matters affecting the Kalaeloa community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning and permitting for the county in which the Kalaeloa community development district is located or the director's designee;
 - ~~(E)~~ (E) The cultural specialist;
 - ~~(F)~~ (F) The ~~[three]~~ two at-large members; and
 - ~~(G)~~ (G) The ~~[three]~~ two representatives of the Kalaeloa community development district;

~~[provided that the director of planning and permitting of the relevant county and the chairperson of the Hawaiian homes commission, or their respective designees, shall participate in these matters as ex officio, nonvoting members and shall not be considered in determining quorum and majority;]~~
- (3) For matters affecting the Kakaako community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;

- (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning and permitting for the county in which the Kakaako community development district is located or the director's designee;
 - ~~[(C)]~~ (E) The cultural specialist;
 - ~~[(D)]~~ (F) The ~~[three]~~ two at-large members; and
 - ~~[(E)]~~ (G) The ~~[three]~~ two representatives of the Kakaako community development district;
- ~~[provided that the director of planning and permitting of the relevant county or the director's designee shall participate in these matters as an ex officio, nonvoting member and shall not be considered in determining quorum and majority.] and~~
- (4) For matters affecting the Pulehunui community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
- (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning for the county in which the Pulehunui community development district is located or the director's designee;
 - (E) The chairperson of the board of land and natural resources or the chairperson's designee;
 - (F) The cultural specialist;
 - (G) The two at-large members; and
 - (H) The two representatives of the Pulehunui community development district.

In the event of a vacancy, a member shall be appointed to fill the vacancy in the same manner as the original appointment within thirty days of the vacancy or within ten days of the senate's rejection of a previous appointment, as applicable.

The terms of the director of finance~~[-];~~ director of transportation~~[-];~~ county directors of planning and permitting~~[- and chairperson of the Hawaiian homes commission];~~ director of business, economic development, and tourism; and chairperson of the board of land and natural resources; or their respective designees shall run concurrently with each official's term of office. The terms of the appointed voting members shall be for four years, commencing on July 1 and expiring on June 30~~[- provided that the initial terms of all voting members initially appointed pursuant to Act 61, Session Laws of Hawaii 2014, shall commence on March 1, 2015].~~ The governor shall provide for staggered terms of the initially appointed voting members so that the initial terms of four members selected by lot shall be for two years, the initial terms of four members selected by lot shall be for three years, and the initial terms of the remaining ~~[five]~~ three members shall be for four years.

The governor may remove or suspend for cause any member after due notice and public hearing.

Notwithstanding section 92-15, a majority of all eligible voting members as specified in this subsection shall constitute a quorum to do business, and the concurrence of a majority of all eligible voting members as specified in this subsection shall be necessary to make any action of the authority valid. All members shall continue in office until their respective successors have been appointed

and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

For purposes of this section, “small business” means a business ~~[which]~~ that is independently owned and ~~[which]~~ that is not dominant in its field of operation.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 191

S.B. NO. 2583

A Bill for an Act Relating to Public Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-2, Hawaii Revised Statutes, is amended to read as follows:

“**§171-2 Definition of public lands.** “Public lands” means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; including lands accreted after May 20, 2003, and not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, except:

- (1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;
- (2) Lands set aside pursuant to law for the use of the United States;
- (3) Lands being used for roads and streets;
- (4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act ~~[prior to]~~ before the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;
- (5) Lands to which the University of Hawaii holds title;
- (6) ~~[Lands]~~ Non-ceded lands set aside by the governor to the Hawaii housing finance and development corporation or lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title;
- (7) Lands to which the Hawaii community development authority in its corporate capacity holds title;
- (8) Lands set aside by the governor to the Hawaii public housing authority or lands to which the Hawaii public housing authority in its corporate capacity holds title;
- (9) Lands to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;

- (10) Lands that are set aside by the governor to the Aloha Tower development corporation, lands leased to the Aloha Tower development corporation by any department or agency of the State, or lands to which the Aloha Tower development corporation holds title in its corporate capacity;
 - (11) Lands that are set aside by the governor to the agribusiness development corporation, lands leased to the agribusiness development corporation by any department or agency of the State, or lands to which the agribusiness development corporation in its corporate capacity holds title;
 - (12) Lands to which the Hawaii technology development corporation in its corporate capacity holds title;
 - (13) Lands to which the department of education holds title;
 - (14) Lands to which the stadium authority holds title; and
 - ~~[(15)]~~ Lands to which the school facilities authority holds title;
- provided that, except as otherwise limited under federal law and except for state land used as an airport as defined in section 262-1, public lands shall include the air rights over any portion of state land upon which a county mass transit project is developed after July 11, 2005; provided further that if the lands pursuant to paragraph (6) are no longer needed for housing finance and development purposes, the lands shall be returned to the agency from which they were obtained; provided further that if the lands pursuant to paragraph (14) are no longer needed for the stadium development district or related purposes, the lands shall be returned to the public land trust administered by the department.”

SECTION 2. Section 171-64.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) This section applies to all lands or interest therein owned or under the control of state departments and agencies classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or any other manner, including accreted lands not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, including:

- (1) Land set aside pursuant to law for the use of the United States;
- (2) Land to which the United States relinquished the absolute fee and ownership under section 91 of the Organic Act [~~prior to~~] before the admission of Hawaii as a state of the United States;
- (3) Land to which the University of Hawaii holds title;
- (4) [~~Land~~] Non-ceded land set aside by the governor to the Hawaii housing finance and development corporation or land to which the Hawaii housing finance and development corporation in its corporate capacity holds title;
- (5) Land to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;
- (6) Land that is set aside by the governor to the Aloha Tower development corporation or land to which the Aloha Tower development corporation holds title in its corporate capacity;
- (7) Land that is set aside by the governor to the agribusiness development corporation or land to which the agribusiness development corporation in its corporate capacity holds title;

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- (8) Land to which the Hawaii technology development corporation in its corporate capacity holds title;
- (9) Land to which the department of education holds title;
- (10) Land to which the Hawaii public housing authority in its corporate capacity holds title;
- (11) Land to which the stadium authority holds title; and
- ~~(12)~~ Land to which the school facilities authority holds title.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 192

S.B. NO. 2808

A Bill for an Act Relating to the Hawaii Technology Development Corporation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that providing support to small businesses is a critical strategy to help small businesses sustain and grow within the State’s economy and individual communities. In 2021, Congress appropriated funds for the state small business credit initiative program to assist small businesses in accessing capital during the coronavirus disease 2019 (COVID-19) pandemic. The State will receive more than \$56,000,000 in federal funds to provide capital assistance to small businesses in Hawaii. While the state small business credit initiative program requires private capital to match these funds, the program has the potential to create more than \$600,000,000 in capital and investment for the State’s small businesses, which have faced significant impacts and challenges due to the COVID-19 pandemic.

Accordingly, to support the State’s small businesses, the purpose of this Act is to appropriate funds for the state small business credit initiative program to provide financial support to Hawaii businesses.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the state small business credit initiative program.

The sum appropriated shall be expended by the Hawaii technology development corporation for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 193

S.B. NO. 3054

A Bill for an Act Relating to the Hawaii Film and Creative Industries Development Special Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 201-113, Hawaii Revised Statutes, is amended to read as follows:

“§201-113 Hawaii film and creative industries development special fund. (a) There is established in the state treasury the Hawaii film and creative industries development special fund into which shall be deposited:

- (1) Appropriations by the legislature;
 - (2) Donations and contributions made by private individuals or organizations for deposit into the fund;
 - (3) Grants provided by governmental agencies or any other source; ~~[and]~~
 - (4) Effective January 2, ~~[2021,]~~ 2023, all revenues, fees, and charges from the processing of the motion picture, digital media, and film production income tax credit pursuant to section 235-17[-]; ~~and~~
 - (5) Effective July 1, 2022, all existing and future revenues, fees, and income received by the department from its management of public facilities that support media and entertainment workforce and business development, with the exception of the Hawaii film studio.
- (b) The fund shall be used by the department to provide for:
- (1) A program to provide seed capital for film, media, electronic sports, and creative industries intellectual property development projects for export, as determined by the department;
 - (2) Programs that expand the skills of the State’s resident workforce in the film, media, and creative industries; ~~[and]~~
 - (3) Marketing programs that attract business opportunities ~~[within]~~ in the film, media, and creative industries in the State[-]; ~~and~~
 - (4) Repair, maintenance, and related costs of the department’s management of public facilities that support media and entertainment workforce and business development.”

SECTION 2. There is appropriated out of the Hawaii film and creative industries development special fund the sum of \$843,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of the special fund established by section 201-113, Hawaii Revised Statutes.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 194

H.B. NO. 1536

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

PART I. GENERAL PROVISIONS

SECTION 1. This Act shall be known and may be cited as the Judiciary Supplemental Appropriations Act of 2022.

SECTION 2. Act 127, Session Laws of Hawaii 2021, is amended by amending part II to read as follows:

“PART II. PROGRAM APPROPRIATIONS

SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023. The total expenditures and the number of permanent and temporary positions established in each fiscal year of the fiscal biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
The Judicial System					
1.	JUD101	COURTS OF APPEAL		78.00 *	78.00 *
				1.48 #	1.48 #
	OPERATING		JUD	7,679,908 A	[7,679,908 A] 7,723,996 A
2.	JUD310	FIRST JUDICIAL CIRCUIT		1,102.50 *	1,102.50 *
				58.58 #	58.58 #
	OPERATING		JUD	84,083,696 A	[84,083,696 A] 86,657,675 A
				41.00 *	[41.00*] 35.00 *
			JUD	4,555,232 B	[4,555,232 B] 4,047,169 B
3.	JUD320	SECOND JUDICIAL CIRCUIT		210.50 *	210.50 *
				1.68 #	1.68 #
	OPERATING		JUD	17,334,494 A	[17,334,494 A] 17,375,506 A
4.	JUD330	THIRD JUDICIAL CIRCUIT		240.00 *	240.00 *
				5.20 #	5.20 #
	OPERATING		JUD	20,759,344 A	[20,759,344 A] 21,211,800 A
5.	JUD350	FIFTH JUDICIAL CIRCUIT		103.00 *	103.00 *
				2.60 #	2.60 #
	OPERATING		JUD	8,103,054 A	[8,103,054 A] 8,125,831 A
6.	JUD501	JUDICIAL SELECTION COMMISSION		1.00 *	1.00 *
	OPERATING		JUD	101,194 A	101,194 A
7.	JUD601	ADMINISTRATION		226.00 *	[226.00*] 227.00 *
				9.48 #	9.48 #
	OPERATING		JUD	26,829,796 A	[26,829,796 A] 28,506,796 A
				1.00 *	1.00 *

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
			JUD	9.00#	9.00#
			JUD	8,110,454 B	8,110,454 B
			JUD	343,261 W	343,261 W
		INVESTMENT CAPITAL	JUD	5,886,000 C	[2,200,000 C]
				[5,220,000 V]	[4,334,000 C]

SECTION 3. Act 127, Session Laws of Hawaii 2021, is amended by amending part IV to read as follows:

“PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 7. The sum of [~~\$13,306,000~~] \$20,220,000 appropriated or authorized in part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advantageous or convenient for implementation; provided further that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
A. ECONOMIC DEVELOPMENT					
JUD601 - ADMINISTRATION					
	[+]	<u>ALHOLANI HALE, AIR CONDITIONING UPGRADES, OAHU</u>			
		<u>DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A/C SYSTEMS UPGRADE AT ALHOLANI HALE; VENTILATION IMPROVEMENTS;</u>			
		<u>TOTAL FUNDING</u>	JUD	3,700 V	V]
	1.01.	<u>ALIIOLANI HALE, AIR CONDITIONING UPGRADES, OAHU</u>			
		<u>DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A/C SYSTEMS UPGRADE AT ALIIOLANI HALE; VENTILATION IMPROVEMENTS.</u>			
		<u>TOTAL FUNDING</u>	JUD	C	1,000 C
	2.	<u>HOAPILI HALE SECURITY IMPROVEMENTS, MAUI</u>			
		<u>DESIGN AND CONSTRUCTION FOR SECURITY IMPROVEMENTS AT HOAPILI HALE.</u>			
		<u>TOTAL FUNDING</u>	JUD	C	2,200 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
3.		HOAPILI HALE, PARKING STRUCTURE PIPING RENOVATIONS, MAUI DESIGN AND CONSTRUCTION FOR PARKING STRUCTURE PIPING RENOVATIONS AT HOAPILI HALE FOR THE STORM DRAIN, FIRE SUPPRESSION, SEWER, AND AIR CONDITIONING (CHILLED WATER) PIPING SYSTEMS. TOTAL FUNDING	JUD	2,886C	C
4.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE GENERAL ALTERATIONS, UPGRADES, AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE. TOTAL FUNDING	JUD	3,000C	C
5.		RONALD T.Y. MOON JUDICIARY COMPLEX, NEW CHILLER, OAHU DESIGN AND CONSTRUCTION FOR NEW CHILLER AT RONALD T.Y. MOON JUDICIARY COMPLEX; VENTILATION IMPROVEMENTS. TOTAL FUNDING	JUD	1,520V	V
<u>5.01.</u>		<u>RONALD T.Y. MOON JUDICIARY COMPLEX, NEW CHILLER, OAHU DESIGN AND CONSTRUCTION FOR NEW CHILLER AT RONALD T.Y. MOON JUDICIARY COMPLEX; VENTILATION IMPROVEMENTS.</u> TOTAL FUNDING	<u>JUD</u>	<u>C</u>	<u>1,520C</u>
<u>5.02.</u>		<u>KAAHUMANU HALE FIRE ALARM AND ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION, OAHU CONSTRUCTION FOR FIRE ALARM AND ELEVATOR SYSTEM UPGRADES AND MODERNIZATION AT KAAHUMANU HALE, OAHU.</u> TOTAL FUNDING	<u>JUD</u>	<u>C</u>	<u>5,000C</u>
<u>5.03.</u>		<u>KAAHUMANU HALE SHERIFF STATION RENOVATION, OAHU DESIGN AND CONSTRUCTION TO RENOVATE SHERIFF STATION AT KAAHUMANU HALE, OAHU.</u> TOTAL FUNDING	<u>JUD</u>	<u>C</u>	<u>1,544C</u>
<u>5.04.</u>		<u>KAPUAIWA BUILDING ROOF REPLACEMENT AND DRAINAGE UPGRADES, OAHU CONSTRUCTION TO REPLACE ROOF AND UPGRADE DRAINAGE AT KAPUAIWA BUILDING, OAHU.</u> TOTAL FUNDING	<u>JUD</u>	<u>C</u>	<u>1,750C</u>

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O	FISCAL M YEAR O
				2021-2022 F	2022-2023 F

5.05.		HOAPILI HALE NEW COURTROOM, MAUI			
		CONSTRUCTION OF NEW COURTROOM AT HOAPILI HALE, MAUI			
		TOTAL FUNDING	JUD	C	1,320C"

SECTION 4. Act 127, Session Laws of Hawaii 2021, is amended by amending part V to read as follows:

“PART V. ISSUANCE OF BONDS

SECTION 8. General obligation bonds may be issued, as provided by law, to yield the amount that may be necessary to finance projects authorized in part II and listed in part IV of this Act; provided that the sum of the general obligation bonds so issued shall not exceed [~~\$8,086,000.~~] \$20,220,000.”

SECTION 5. Act 127, Session Laws of Hawaii 2021, is amended by adding two new sections to part VI as follows:

“SECTION 15.1. Any law to the contrary notwithstanding, the appropriations under Act 195, Session Laws of Hawaii 2017, section 8, as amended by Act 26, Session Laws of Hawaii 2018, section 4, in the amount indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, is hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>A-7.01</u>	<u>\$2,726,467.25 C</u>

SECTION 15.2. Any law to the contrary notwithstanding, the appropriations under Act 61, Session Laws of Hawaii 2011, section 7, as amended by Act 107, Session Laws of Hawaii 2012, section 3, in the amounts indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>A-2</u>	<u>\$34,216.66 C</u>
<u>A-4</u>	<u>133,580.54 C</u>
<u>A-5</u>	<u>22,845.05 C</u>
<u>A-6</u>	<u>3,900.18 C</u>
<u>A-7</u>	<u>270,311.20 C”</u>

SECTION 6. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 7. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice may correct the error. All changes

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made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 195

S.B. NO. 3357

A Bill for an Act Relating to Native Hawaiian Affairs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The departments and agencies listed in section 2 of this Act shall provide grants to federal tax-exempt nonprofit organizations to support their organizational mission.

The grants shall be tailored toward improving Native Hawaiian communities and culture through various assistance programs, including but not limited to programs that offer Native Hawaiian historic preservation, business training, entrepreneurship, and mentoring.

The grants shall be awarded in conformance with the standards in section 42F-103, Hawaii Revised Statutes.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be allocated to the following departments and agencies and used for grants pursuant to section 1 of this Act for the following programs:

- (1) The department of business, economic development, and tourism:
 - (A) The sum of \$1,000,000; provided that the sum shall be used for a virtual marketplace that supports local artisans and businesses to adapt to e-commerce;
 - (B) The sum of \$500,000; provided that the sum shall be used for a physical co-working space and an innovation, entrepreneur and resource center that provides workshops, counseling, loan assistance, and broadband access;
- (2) The department of land and natural resources:
 - (A) The sum of \$500,000; provided that the sum shall be used for the repatriation and reburials of Native Hawaiians nationally and internationally.

The sums appropriated shall be expended by the department or agency listed above for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 196

H.B. NO. 1798

A Bill for an Act Relating to Special Purpose Revenue Bonds for Assisting Not-For-Profit Corporations that Provide Health Care Facilities to the General Public.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare.

SECTION 2. Pursuant to part II, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed \$750,000,000, in one or more series, for the purpose of assisting The Queen's Health Systems, a Hawaii nonprofit corporation, for the financing of costs related to the construction of, improvement to, and equipping of health care facilities, including the following:

- (1) Renovation of existing health care facilities;
- (2) Construction of new health care facilities;
- (3) Acquisition of equipment;
- (4) Acquisition of assets, including land and improvements;
- (5) Acquisition and installation of information systems and technology; and
- (6) Other related projects.

The legislature hereby finds and determines that the construction of, improvement to, and equipping of health care facilities of The Queen's Health Systems constitute a project as defined in part II, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to a not-for-profit corporation that provides health care facilities to the general public.

SECTION 3. The special purpose revenue bonds and the refunding special purpose revenue bonds issued under this Act shall be issued pursuant to part II, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist not-for-profit corporations that provide health care facilities to the general public.

SECTION 4. The department of budget and finance is authorized, from time to time, including times subsequent to June 30, 2027, to issue special purpose revenue bonds in whatever principal amounts the department shall determine to be necessary to refund the special purpose revenue bonds authorized in section 2 of this Act and to refund special purpose revenue bonds authorized in this section, regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi-project programs described in section 2. In making this determination, the department shall comply with federal law relating to the exemption from federal income taxation of the interest on bonds of the nature authorized by this section.

SECTION 5. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 2027.

SECTION 6. This Act shall take effect on July 1, 2022.
(Approved June 27, 2022.)

ACT 197

S.B. NO. 2070

A Bill for an Act Relating to Special Purpose Revenue Bonds to Assist the Hawaiian Legacy Reforestation Initiative to Restore Hawaii's Forests and Natural Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare.

SECTION 2. Pursuant to part IV, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed \$50,000,000, in one or more series, for the purpose of assisting Hawaiian Legacy Reforestation Initiative, LLC, a Hawaii limited liability company, for generating a sustainable model of endemic reforestation; ecosystem revitalization; endangered species recovery; carbon credit sequestering by planning, designing, and constructing; equipping private and public land owners with the tools for endemic forest development; processing and distribution of forest products, including eco-assets such as tree planting; endangered species management; endemic species propagation; value-added agriculture; advanced materials; sustainable timber; carbon credits; Hawaii cultural practice; fine art; and Hawaii-made products. The legislature hereby finds and determines that the planning, designing, constructing, and equipping of facilities for the deployment of endemic plants; technology systems to rebuild and manage Hawaii's forest eco-assets and forest products, such as the production of carbon credits; sustainable forest products; and value-added agricultural products; constitute a project as defined in part IV, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to a processing enterprise.

SECTION 3. The special purpose revenue bonds and the refunding special purpose revenue bonds issued under this Act shall be issued pursuant to part IV, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist processing enterprises.

SECTION 4. The department of budget and finance is authorized, from time to time, including times subsequent to June 30, 2027, to issue special purpose revenue bonds in whatever principal amounts the department shall determine to be necessary to refund the special purpose revenue bonds authorized in section 2 and to refund special purpose revenue bonds authorized in this section, regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi-project programs described in section 2. In making this determination, the department shall comply with federal law relating to the exemption from federal income taxation of the interest on bonds of the nature authorized by this section.

SECTION 5. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 2027.

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 198

S.B. NO. 2865

A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds to Assist DIBSHawaii LLC.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that DIBSHawaii LLC plans to build a net-zero carbon capture storage utilization platform that will recover vented carbon dioxide emissions and scrub and liquify the emissions into food grade liquid carbon dioxide. The recovered carbon dioxide may be placed in pressurized storage tanks, creating a virtual terminal for food grade carbon dioxide to be utilized across the State. This product will be utilized for agriculture, energy, and carbon storage in support of the food security and resilience goals of the State. The intent is for seventy-five per cent of the repurposed carbon dioxide to be dedicated to agriculture and energy. The other twenty-five per cent is projected to be dedicated to the United States Department of Defense to be used as critical process input to create renewable jet fuel and further advance dry ice cleaning efforts on Department of Defense bases, as well as for carbon dioxide mineralization in concrete for state government projects.

The legislature further finds that other intended uses of the food grade carbon dioxide include hemp carbon sequestration, hemp soil remediation, hemp building material, hemp wellness, the farming of hops and other crops to support food security, and the creation of other value added agricultural products. Accordingly, the legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare.

SECTION 2. Pursuant to part V, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed \$40,000,000, in one or more series, for the purpose of assisting DIBSHawaii LLC, a Hawaii limited liability company, in financing the costs relating to the construction of a carbon capture storage utilization platform that will recover vented carbon dioxide emissions and scrub and liquify the emissions into food grade liquid carbon dioxide. The legislature hereby finds and determines that construction of a carbon capture storage utilization platform constitutes a project as defined in part V, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to an industrial enterprise.

SECTION 3. The special purpose revenue bonds and the refunding special purpose revenue bonds issued under this Act shall be issued pursuant to part V, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist industrial enterprises.

SECTION 4. The department of budget and finance is authorized, from time to time, including times subsequent to June 30, 2027, to issue special

ACT 199

purpose revenue bonds in whatever principal amounts the department shall determine to be necessary to refund the special purpose revenue bonds authorized in section 2 of this Act and to refund special purpose revenue bonds authorized in this section, regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi-project programs described in section 2 of this Act. In making this determination, the department shall comply with federal law relating to the exemption from federal income taxation of the interest on bonds of the nature authorized by this section.

SECTION 5. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 2027.

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 199

S.B. NO. 3280

A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds to Assist Saint Joseph School.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare.

SECTION 2. Pursuant to part VIII, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed \$4,000,000, in one or more series, for the purpose of assisting Saint Joseph School, a Hawaii nonprofit corporation, in planning, designing, constructing, reconstructing, renovating, acquiring, equipping, and improving educational facilities for Saint Joseph School. The legislature hereby finds and determines that planning, designing, constructing, reconstructing, renovating, acquiring, equipping, and improving educational facilities constitute a project as defined in part VIII, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to a not-for-profit private enterprise sectarian elementary and secondary school that serves the public.

SECTION 3. The special purpose revenue bonds and the refunding special purpose revenue bonds issued under this Act shall be issued pursuant to part VIII, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist not-for-profit private sectarian elementary schools and secondary schools that serve the general public.

SECTION 4. The special purpose revenue bonds issued under this Act may be issued in one or more series for a single project, multiple projects, a single-project party, or multiple-project parties pursuant to the authority of this Act and any one or more other separate Acts of the legislature pursuant to part VIII, chapter 39A, Hawaii Revised Statutes, and the department of budget and finance may combine into a single issue of special purpose revenue bonds, in one

or more series, two or more proposed issues of special purpose revenue bonds to be issued pursuant to part VIII, chapter 39A, Hawaii Revised Statutes, separately authorized, in the total amount not to exceed the aggregate of the proposed separate issues of the special purpose revenue bonds.

SECTION 5. The department of budget and finance is authorized, from time to time, including times subsequent to June 30, 2027, to issue special purpose revenue bonds in whatever principal amounts the department shall determine to be necessary to refund the special purpose revenue bonds authorized in section 2 and to refund special purpose revenue bonds authorized in this section, regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi-project programs described in section 2. In making this determination, the department shall comply with federal law relating to the exemption from federal income taxation of the interest on bonds of the nature authorized by this section.

SECTION 6. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 2027.

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 200

S.B. NO. 3324

A Bill for an Act Relating to Infrastructure Maintenance in Housing Subdivisions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that some housing subdivisions in the State have been approved without a requirement that the lot owners fund the repair and maintenance of the private roads and other infrastructure within the subdivision. Unlike condominium property regimes, many housing subdivisions are not subject to a statutory framework or an oversight agency to oversee the creation, monitoring, training, and auditing of the various volunteer associations responsible for the subdivision infrastructure. Accordingly, the judicial system has created a patchwork system through judgments in various lawsuits that does not provide adequate oversight.

The legislature further finds that in the case of *Paradise Hui Hanalike v. Hawaiian Paradise Park Corp.*, 66 Haw. 362, 662 P.2d 211 (1983), the Hawaii supreme court found that lot owners whose lots abut on subdivision roads have a legal duty to contribute to the necessary maintenance of those subdivision roads even though their deeds are silent on the matter. More recently, in *Kaanapali Hillside Homeowners' Ass'n ex rel. Bd of Directors v. Doran*, 112 Hawaii 356, 145 P.3d 899 (Ct. App. 2006), property owners questioned an association's authority to impose an assessment because that authority was not recorded against the property owners' lot.

The legislature additionally finds that there is currently no oversight agency for some associations whose assessment collections are more than \$1,000,000 per year. The inability to collect assessments from lot owners of some subdivisions with no court-approved corporation, association, or entity results in substandard and deeply rutted roads that can delay emergency vehicles that respond

to emergency situations, including crime scenes. Furthermore, numerous structures have been destroyed because a fire truck was not able to arrive in time.

Accordingly, the purpose of this Act is to establish a working group to examine and address the problem of infrastructure repair and maintenance in planned housing subdivisions that do not have compulsory homeowner associations.

SECTION 2. (a) There is established a working group to examine and address housing subdivision infrastructure repair and maintenance for planned housing subdivisions that do not have compulsory homeowner associations in counties with populations greater than one hundred seventy thousand but less than three hundred thousand.

(b) The working group shall comprise the following:

- (1) One member of the house of representatives who represents an affected district in the affected county;
- (2) One member of the senate who represents an affected district in the affected county;
- (3) One member of the office of the mayor of an affected county, or designee;
- (4) One member from the Hawaii Council of Community Associations;
- (5) One member from the Hawaii Chapter of the Community Associations Institute;
- (6) One community stakeholder from an affected district to be designated by the senate member on the working group; and
- (7) One community stakeholder from an affected district to be designated by the member of the house of representatives on the working group.

(c) The working group shall examine and address the following:

- (1) The development of one or two homeowner associations;
- (2) The procedures for establishment of a homeowner association to maintain and repair the subdivision infrastructure, such as roads, street lighting, and other appurtenances, used by the subdivision residents; and including the payment and collection of assessments;
- (3) The role of each county in paragraph (2);
- (4) Amendments to chapter 421J, Hawaii Revised Statutes, if any, to address planned housing subdivision infrastructure repair and maintenance for subdivisions that do not have compulsory homeowner associations; and
- (5) Any other issues that may arise, pursuant to the discretion of the working group.

(d) The working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

(e) The members of the working group shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties; provided that working group meetings may be held remotely; provided further that staff to support the working group shall be provided by the legislative members.

(f) The working group shall be dissolved on June 30, 2024.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of the working group established by this Act.

The sum appropriated shall be expended by the county or counties specified in section 2(a) of this Act.

SECTION 4. This Act shall take effect upon its approval; provided that section 3 of this Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 201

S.B. NO. 2474

A Bill for an Act Relating to Renewable Energy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) The public utilities commission shall contract with a qualified consultant to conduct a study on the accessibility of Hawaii's electric system and procedures for interconnection to Hawaii's electric system, including but not limited to the timeliness and costs of interconnection.

(b) The study shall apply to interconnection for renewable energy projects greater than five megawatts and any community-based renewable energy generation projects of any megawatt size from investor-owned utilities and utilities that serve counties with a population of more than one hundred thousand.

(c) The study shall:

- (1) Include, but not be limited to, reliability standards to be established by the public utilities commission;
- (2) Identify interconnection requirements and procedures for interconnection to the State's electric utility grid;
- (3) Describe the interconnection process and who is responsible for each element of the process;
- (4) Determine the reasonableness of time for each element of the interconnection process;
- (5) Determine the reasonableness of the elements and methodology that utilities utilize to charge for interconnection;
- (6) Determine the reasonableness and equity of costs charged to those that interconnect to an electric utility;
- (7) Include costs of interconnection by an electric utility for the interconnection of the electric utility's self-build projects;
- (8) Include reporting and analysis over the previous seven years of the:
 - (A) Timeliness of the interconnection process from the execution of the power purchase agreement through the interconnection completion, if applicable, or up through the time that the last step is completed; and
 - (B) Cost of interconnection of renewable energy projects, including:
 - (i) The charges to those who interconnected or are in the process of interconnecting to an electric utility;
 - (ii) Any project management fees; and
 - (iii) Any other elements that are relevant in the methodology, including but not limited to the size of the project, the distance to the interconnection point;
- (9) Include documentation of the delays in the interconnection process for stage 1 and stage 2 renewable procurement projects, including the cause of each delay as well as the party responsible for the delay;

- (10) Determine whether any elements of interconnection are currently rate-based;
- (11) Determine the reasonableness of the cost of project management fees assessed by an electric utility to those entities that interconnect to the electric utility;
- (12) Determine the reasonableness of requiring new or additional interconnection studies for changes in equipment;
- (13) Determine what would constitute a reasonable change to cause a new or extended interconnection process;
- (14) Incorporate comments from entities who connect to an electric utility in a confidential manner and be reported anonymously in the study;
- (15) Report on the implementation of a Hawaii electric reliability administrator to be implemented by the public utilities commission;
- (16) Evaluate the public utilities commission's progress in the implementation of a Hawaii electric reliability administrator; and
- (17) Recommend statutory amendments to the laws relating to the Hawaii electric reliability administrator.
 - (d) The study shall include recommendations on:
 - (1) Reliability standards that should be considered and imposed by the public utilities commission on an electric utility;
 - (2) Interconnection procedures;
 - (3) Reasonable timelines for an electric utility and an entity that interconnects;
 - (4) How the public utilities commission can monitor the interconnection process;
 - (5) Processes, data tools, and reporting requirements by the electric utility;
 - (6) How interconnection costs can be provided to developers prior to the utility procurement process or how to adjust for changes to the power purchase agreement to reflect interconnection costs;
 - (7) Mechanisms to be imposed by the public utilities commission and the legislature to improve the timeliness of the interconnection process and the reasonableness of cost;
 - (8) A process to provide transparency in interconnection costs;
 - (9) Processes for the public utility commission to oversee and approve the cost and timeliness of interconnection;
 - (10) Whether interconnection costs should be regulated, tariffed, or rate-based for consistency and transparency;
 - (11) Whether performance incentives, penalties, or both, should be imposed on an electric utility for timely and cost-effective interconnection;
 - (12) The reasonable interconnection events that would require modification to this study;
 - (13) The reasonable timelines for modification caused by an electric utility or an entity that interconnects to the State's electric utility grid;
 - (14) Resolution processes for interconnection disputes; and
 - (15) Processes, including administrative, technological, policy, or other related requirements for ensuring effective reliability of the Hawaii electric system and interconnection process.

(e) The public utilities commission shall submit the study required by this Act and a report, including its progress in contracting an entity to serve as the Hawaii electric reliability administrator pursuant to section 269-147, Hawaii

Revised Statutes, to the legislature no later than twenty days prior to the convening of the regular session of 2023.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the public utilities commission to contract with a qualified consultant to conduct a study on the accessibility of and procedures for interconnection to Hawaii's electric system.

The sum appropriated shall be expended by the public utilities commission for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 202

S.B. NO. 2720

A Bill for an Act Relating to Energy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that climate change caused by carbon emissions from burning fossil fuels poses a serious threat to the economic well-being, public health, natural resources, and environment of Hawaii. The State has committed to eliminating fossil fuels from the electricity and ground transportation sectors, abiding by the Paris Climate Accord's goal to limit the amount of global warming to less than 1.5 degrees Celsius, and achieving negative carbon emissions for Hawaii by 2045. The legislature also finds that meeting the State's clean energy goals and commitments necessitates the rapid transition to zero-emission vehicles that utilize local, renewable energy sources.

The legislature further finds that the number of electric vehicles in Hawaii is rising. As more electric vehicles come to market, the ranges of electric vehicles increase and the cost of electric vehicles decrease. The legislature also notes that the number of registered electric vehicles in Hawaii increased more than thirty per cent during 2021, while the number of registered gasoline-powered vehicles has decreased.

The legislature believes that while there is a growing interest in electric vehicles among Hawaii residents, the lack of adequate vehicle charging infrastructure presents a key barrier to widespread adoption. Many Hawaii residents, such as renters and other residents living in apartment buildings and other multi-family dwellings, lack access to electric vehicle charging stations at home and at work because a vast majority of parking facilities in the State lack electric vehicle charging stations. In 2019, recognizing that a lack of charging infrastructure remains a barrier to more widespread adoption of electric vehicles, the legislature established an electric vehicle charging system rebate program to incentivize the installation of publicly available charging stations and charging stations that serve multiple tenants, employees, or customers, or electric vehicle fleets.

The legislature additionally finds that the continuation of the electric vehicle charging system rebate program is a critical component of the State's efforts to transition off of fossil fuels and achieve a carbon-negative economy by 2045. Furthermore, the program should work in tandem with, and not duplicate, any available federal funding to further the goal of expanding the network of electric vehicle charging systems in the State. To ensure that the program is keeping pace with market and technology changes, periodic program adjustments

may be needed from time to time. Flexibility in program implementation can help ensure that the program is adequately and sufficiently deploying rebates to priority locations in furtherance of the State’s clean energy and carbon reduction goals, including in multi-family dwellings; at workplaces that can support daytime charging; in parking facilities that can support the visitor industry’s transition to clean transportation, such as at hotels and rental car facilities; and in areas that will help to make the purchase of an electric vehicle a choice for Hawaii’s low and moderate-income working families. Expanding rebate eligibility to a wider variety of electric vehicle charging systems can increase program participation and accelerate charging system deployment.

The purpose of this Act is to:

- (1) Provide a rebate for new or upgraded Level 2 charging stations with one port;
- (2) Eliminate the annual cap on rebates, but provide that rebates are subject to the availability of funds;
- (3) Amend and add flexibility to the guidelines for consideration by the public utilities commission in administering the program;
- (4) Increase the maximum percentage of rebate program appropriations that may be expended for administrative costs and allow for marketing and outreach expenses to be included among allowable program administration expenses; and
- (5) Appropriate funds out of the electric vehicle charging system subaccount for the electric vehicle charging system rebate program.

SECTION 2. Section 269-72, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~269-72 **Electric vehicle charging system; rebate program.** (a) The public utilities commission, in consultation with electric vehicle stakeholders and the Hawaii state energy office, shall administer a rebate program that incentivizes the installation or upgrade of an electric vehicle charging system, as provided in this section, and may contract with a third-party administrator pursuant to section 269-73 to operate and manage the rebate program.

(b) An applicant may be eligible for a rebate under the rebate program if the applicant:

- (1) Installs a new electric vehicle charging system where none previously existed to either:
 - (A) An alternating current Level 2 station with ~~two~~ one or more ports that provide electricity to ~~two~~ one or more electric vehicles; or
 - (B) A direct current fast charging system; or
- (2) Upgrades an existing electric vehicle charging system to either:
 - (A) An alternating current Level 2 station with ~~two~~ one or more ports that provide electricity to ~~two~~ one or more electric vehicles; or
 - (B) A direct current fast charging system.

(c) Subject to subsection ~~[(d)]~~ (f), rebates shall be distributed as follows:

- (1) Each eligible installation of an electric vehicle charging system shall receive:
 - (A) Up to \$2,000 for the installation of an alternating current Level 2 station with one port;
 - ~~[(A)]~~ (B) Up to \$4,500 for the installation of an alternating current Level 2 station with two or more ports; and
 - ~~[(B)]~~ (C) Up to \$35,000 for the installation of a direct current fast charging system; and

(2) Each eligible upgrade of an electric vehicle charging system shall receive:

(A) Up to \$1,300 for the upgrade to an alternating current Level 2 station with one port;

~~[(A)]~~ (B) Up to \$3,000 for the upgrade to an alternating current Level 2 station with two or more ports; and

~~[(B)]~~ (C) Up to \$28,000 for the upgrade to a direct current fast charging system.

~~[(d)]~~ ~~The public utilities commission shall not issue more than \$500,000 in total rebates under this section each fiscal year.~~

~~[(e)]~~ (d) The public utilities commission shall:

(1) Prepare any forms that may be necessary for an applicant to claim a rebate pursuant to this section; and

(2) Require each applicant to furnish reasonable information to ascertain the validity of the claim, including but not limited to documentation necessary to demonstrate that the installation or upgrade for which the rebate is claimed is eligible.

~~[(f)]~~ (e) This section shall apply to electric vehicle charging systems that are installed or upgraded after December 31, 2019.

~~[(g)]~~ (f) Applicants shall submit applications to the public utilities commission within twelve months of the date that the newly installed or upgraded charging system is placed into service to claim a rebate from the electric vehicle charging system rebate program. Failure to apply to the commission within twelve months of the date that the newly installed or upgraded charging system is placed into service shall constitute a waiver of the right to claim the rebate. Rebates shall be subject to available funds, and the program administrator shall not approve additional rebates for the remainder of the fiscal year after program funds have been fully exhausted.

~~[(h)]~~ (g) Nothing in this section shall alter taxes due on the original purchase or upgrade price of an electric vehicle charging system ~~[prior to]~~ before the application of the rebate. Any rebate received pursuant to the electric vehicle charging system rebate program shall not be considered income for the purposes of state or county taxes.

~~[(i)]~~ (h) In administering the electric vehicle charging system rebate program, the public utilities commission shall give consideration to the following guidelines:

(1) Priority should be given to electric vehicle charging systems that are publicly available~~[-];~~; serve multiple tenants, employees, or customers~~[-, or];~~; support the visitor industry in transitioning to clean transportation; or serve low-income, moderate-income, or environmental justice communities;

(2) Electric vehicle charging system rebates should enhance broader public clean energy and grid resiliency goals by supporting deployment of electric vehicle charging systems that can regulate their time of use, be networked and co-optimized with other electric vehicle charging systems, and otherwise provide grid services or other benefits to the utility and electric grid; ~~[and]~~

(3) Electric vehicle charging systems that serve a single person, such as a reserved parking stall or a single-family residence, shall not be eligible for rebates~~[-];~~

(4) Electric vehicle charging system rebates should support accessibility of charging to as many electric vehicle drivers as feasible; and

(5) The program administrator may propose new or modified guidelines to be considered in addition to those specified in this subsection

and should have the flexibility to make programmatic adjustments due to market changes, technological advancements, and levels of participation to ensure the prudent use of taxpayer funds and to effectively manage the program budget.

(j) (i) As used in this section:

“Alternating current Level 2 charging station”, commonly referred to as “Level 2 charging station”, means an electric vehicle charging system that utilizes alternating current electricity providing at least three kilowatts and means a system that:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards and protocols including, but not limited to, Society of Automotive Engineers (SAE) J1772™ of SAE International and Tesla protocol; and
- (3) Is designed and installed in compliance with article 625 of the National Electrical Code to appropriate Nationally Recognized Testing Laboratories’ standards.

“Applicant” means an individual; non-profit or for-profit corporation; local, state, or federal government agency; homeowner association; or any other eligible entity as defined under rules adopted for the electric vehicle charging system rebate program.

“Direct current fast charging system”, commonly referred to as “DC fast charging system”, means an electric vehicle charging system that utilizes direct current electricity providing forty kilowatts or greater and:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards and protocols, including, but not limited to, Society of Automotive Engineers (SAE) J1772™ of SAE International, Tesla protocol, and CHAdeMO protocol; and
- (3) Is designed and installed in compliance with article 625 of the National Electrical Code to appropriate Nationally Recognized Testing Laboratories’ standards.

“Electric vehicle charging system” has the same meaning as Electric Vehicle Supply Equipment as defined in article 625.2 of the National Electrical Code, as amended.”

SECTION 3. Section 269-73, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The public utilities commission may contract with a third-party administrator to operate and manage any programs established under section 269-72. The administrator shall not be deemed to be a “governmental body” as defined in section 103D-104; provided that all moneys transferred to the third-party administrator shall have been appropriated by the legislature or shall be from funds provided by the federal government or private funding sources. The administrator shall not expend more than ~~ten~~ fifteen per cent of the amounts appropriated for the rebate program or other reasonable percentage determined by the public utilities commission for administration of the programs established under section 269-72[-]; provided that program administration expenses may include marketing and outreach expenses to increase program participation, if needed; provided further that not more than ten per cent of the amounts appropriated for the rebate program may be expended on non-marketing and outreach programs or administration of the program.”

SECTION 4. Act 75, Session Laws of Hawaii 2021, is amended as follows:

1. By amending section 5 to read:

“SECTION 5. There is appropriated out of the electric vehicle charging system subaccount within the public utilities commission special fund the sum of [~~\$100,000~~] \$500,000 or so much thereof as may be necessary for fiscal year 2021-2022 for the electric vehicle charging system rebate program established pursuant to sections 269-72 and 269-73, Hawaii Revised Statutes.

The sum appropriated shall be expended by the public utilities commission for the purposes of this part.”

2. By amending section 12 to read:

“SECTION 12. This Act shall take effect on July 1, 2021[~~;~~], provided that the moneys appropriated in section 5 shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that all amounts from the appropriation that are unexpended or unencumbered as of June 30, 2024, shall lapse as of that date.”

SECTION 5. There is appropriated out of the electric vehicle charging system subaccount within the public utilities commission special fund the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the electric vehicle charging system rebate program established pursuant to sections 269-72 and 269-73, Hawaii Revised Statutes.

The sum appropriated shall be expended by the public utilities commission for the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on June 30, 2022.

(Approved June 27, 2022.)

ACT 203

H.B. NO. 1758

A Bill for an Act Relating to Nurses.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is a nurse shortage in the State that has been exacerbated by the coronavirus disease 2019 pandemic. According to the department of commerce and consumer affairs, almost five thousand nurses left the field between 2019 and mid-year 2021, shrinking the total active workforce from 33,410 in 2019 to 28,548 in 2021.

The legislature further finds that experienced, highly qualified nurses from other states, territories, or foreign countries may wish to relocate to Hawaii. Certain qualified applicants for licensure by endorsement who are licensed in another state are eligible for a temporary permit to practice in the State while their applications are verified and reviewed. Expanding the eligibility for a temporary permit to certain registered nurses and qualified licensed practical nurses from other territories and foreign jurisdictions will enable more qualified health care professionals to quickly find employment and enter into the State’s health care field.

The purpose of this Act is to allow for temporary permits to be issued to registered nurses and licensed practical nurses from a territory or foreign country that are seeking a state license by endorsement.

SECTION 2. Section 457-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Licenses shall be granted either by:

- (1) Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board. Upon the applicant’s passage of the examination and compliance with the applicable requirements of this chapter and the rules of the board, the board shall issue to the applicant a license to practice nursing as a registered nurse; or
- (2) Endorsement: The board may issue a license to practice nursing as a registered nurse by endorsement to an applicant who has been licensed as a registered nurse under the laws of another state, territory, or foreign country if the applicant has an unencumbered license and, in the opinion of the board, the applicant meets the qualifications required of registered nurses in this State at the time of graduation. Pending verification of a valid, unencumbered license from another state, territory, or foreign country, a temporary permit may be issued for employment with a Hawaii employer.”

SECTION 3. Section 457-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Licenses shall be granted either by:

- (1) Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board. Upon the applicant’s passage of the examination and compliance with the applicable requirements of this chapter and the rules of the board, the board shall issue to the applicant a license to practice nursing as a licensed practical nurse; or
- (2) Endorsement: The board may issue a license to practice nursing as a licensed practical nurse by endorsement to any applicant who has been licensed as a licensed practical nurse, or a person entitled to perform similar services under a different title, under the laws of another state, territory, or foreign country if the applicant has an unencumbered license and, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this State at the time of graduation. Pending verification of a valid, unencumbered license from another state, territory, or foreign country, a temporary permit may be issued for employment with a Hawaii employer.”

SECTION 4. Section 457-13, Hawaii Revised Statutes, is amended to read as follows:

“**§457-13 Exceptions.** This chapter does not prohibit:

- (1) The furnishing of nursing assistance in an emergency;
- (2) The practice of nursing ~~[which]~~ that is incidental to ~~[their]~~ the program of study engaged in by students enrolled in nursing education programs accredited by the board;
- (3) The practice of nursing under a nonrenewable permit by:
 - (A) A graduate of; or

- (B) An applicant who has provided proof that the applicant has completed the entire educational curriculum required for graduation for a nursing license from a school ~~[which] that~~ is in or under the jurisdiction of the United States, a territory, or a foreign jurisdiction, and whose accreditation is recognized by the board; provided that following completion of (A) or (B), the candidate takes the first licensing examination scheduled by any board of nursing recognized by the board and has submitted to the board an application for a license to practice nursing in ~~[this] the~~ State; and provided further that the permit shall be valid for three months or until the results of the licensing examination are received by the board;
- (4) The practice of any legally qualified nurse of another state who is employed by the United States or any bureau, division, or agency thereof, while in the discharge of the nurse's official duties;
- (5) The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination, provided that no person practicing such nursing claims to practice as a registered nurse or a licensed practical nurse; or
- (6) The administration of oral and topical medication and in emergency situations, other premeasured medication, by school health aides as provided in section ~~[321-242.] 302A-853.~~"

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 204

H.B. NO. 1179

A Bill for an Act Relating to Invasive Species.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that gorse (*Ulex europaeus*), which is native to western Europe and was introduced to Hawaii as a food plant for sheep and as a "living fence", has become an invasive species due to its aggressive seed dispersal. Gorse has proven very difficult to eradicate and detrimental in native habitats; thus far, it is known to exist on the islands of Hawaii, Maui, Oahu, Kauai, and Molokai.

The legislature further finds that the Aina Mauna legacy program, unanimously approved by the Hawaiian homes commission, is the department of Hawaiian home lands' guiding framework for well-coordinated management for long-term protection and perpetuation of the Aina Mauna ecosystem in the Humuulu-Piihonua area located on the northeast slopes of Mauna Kea. The program's mission is to protect approximately fifty-six thousand acres of native Hawaiian forest that is ecologically, culturally, and economically self-sustaining for the Hawaiian home lands trust, its beneficiaries, and the community.

The legislature further finds that a significant need exists for greater economic opportunities for native Hawaiians, some of which could be provided through the collection and product development of gorse from Mauna Kea.

Therefore, the purpose of this Act is to establish a pilot program within the Aina Mauna legacy program of the department of Hawaiian home lands to remove and harvest gorse from Mauna Kea and develop it as a marketable product to expand economic opportunities for native Hawaiians.

SECTION 2. (a) There is established a pilot program within the Aina Mauna legacy program of the department of Hawaiian home lands to remove and harvest gorse from Mauna Kea and develop it as a marketable product to expand economic opportunities for native Hawaiians.

(b) The department of Hawaiian home lands shall submit to the legislature a report regarding the pilot program no later than twenty days prior to the convening of the regular sessions of 2023, 2024, 2025, and 2026.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of a pilot program within the Aina Mauna legacy program of the department of Hawaiian home lands to remove and harvest gorse from Mauna Kea and develop it as a marketable product to expand economic opportunities for native Hawaiians.

The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022, and shall be repealed on June 30, 2026.

(Approved June 27, 2022.)

ACT 205

S.B. NO. 3195

A Bill for an Act Relating to the Department of Hawaiian Home Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to provide start-up funding for the investigation, exploration, and identification of geothermal resources on Hawaiian home lands, as these resources may be used for the generation, transmission, or production of electricity and renewable energy resources, including hydrogen.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 to fund the investigation, exploration, and identification of geothermal resources on Hawaiian home lands.

The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 206

S.B. NO. 879

A Bill for an Act Relating to Counties.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the department of Hawaiian home lands often continues to have the responsibility to maintain infrastructure despite compliance with county requirements.

The purpose of this Act is to require the counties to provide for the maintenance of infrastructure for any housing development for the department of Hawaiian home lands within sixty days and under certain conditions.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§46- Infrastructure maintenance; housing development for the department of Hawaiian home lands. (a) Notwithstanding any other provision to the contrary, infrastructure for any housing development for the department of Hawaiian home lands shall be maintained by the county in which the housing development is located in accordance with county standards, commencing sixty days after the receipt by the appropriate county agency of a completed application for maintenance request; provided that:

- (1) Applicable meter and connection fees and utility costs relating to the infrastructure have been paid;
- (2) The infrastructure conforms to applicable county standards in effect at the time the infrastructure is turned over to the county;
- (3) The infrastructure is connected or adjacent to infrastructure maintained by the county; and
- (4) The completion of the improvements of the infrastructure is granted approval by the county.

(b) For the purposes of this section, “infrastructure” includes water lines and appurtenances; storm drainage, including culverts and catch basins; sewer lines and appurtenances; waste disposal and waste treatment systems; and roadway improvements, including pavement, gutters, curbing, sidewalks, street trees, signage, road striping, traffic calming measures, and street lighting that connect or are adjacent to county infrastructure.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 207

S.B. NO. 2065

A Bill for an Act Relating to Fishing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§188- Possession or use of unmanned aerial vehicles on, in, or near state marine waters prohibited; exception. (a) It is unlawful to possess or use on, in, or near state marine waters, any unmanned aerial vehicles, for the purpose of taking aquatic life, except under the terms and conditions of a permit first obtained by the user from the department of land and natural resources; provided that unmanned aerial vehicles may be used for the purpose of simple reconnaissance. The department of land and natural resources may issue per-

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mits for the possession or use of unmanned aerial vehicles consistent with other legal requirements.

(b) As used in this section, “unmanned aerial vehicle” means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 208

H.B. NO. 1672

A Bill for an Act Relating to Special Improvement Districts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 107, Session Laws of Hawaii 1999 (Act 107), authorized the counties to create special improvement districts to provide supplemental financial support to these districts for the purpose of restoring or promoting business activity. The legislature further finds that since the enactment of Act 107, the needs and demands in these districts have broadened to include the management or mitigation of environmental and other conditions that impact natural resources. More specifically, the legislature finds that Hawaii is being exposed to a variety of threats that affect its environment and ecosystems, including coastal hazards and the results of climate change, such as the increase in the frequency and severity of storms and drought, sea level rise, groundwater inundation, and coastal erosion. These threats are of particular concern to the State due to its island topography and substantial coastal exposure.

The purpose of this Act is to broaden the counties’ authority to create special improvement districts by expanding the objective of these districts to include¹ environmental protection and preservation, natural resource management, and natural hazard mitigation.

SECTION 2. Section 46-80.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition and supplemental to the authority vested in the counties by sections 46-80 and 46-80.1, any county having a charter may enact an ordinance, and may amend the same from time to time, authorizing the creation of special improvement districts for the purpose of providing [and], financing [supplemental], and coordinating federal, state, and county efforts to engage in:

- (1) Supplemental maintenance and security services [and such other];
- (2) Environmental research, restoration, and maintenance;
- (3) Natural resource management;

- (4) Natural hazard mitigation;
- (5) Climate change and sea level rise adaptation; and
- (6) Other improvements, services, and facilities within the special improvement district as the council of the county determines will improve environmental conditions, provide community benefits, and restore or promote business activity in the special improvement district and the making and financing of improvements therein.

Each separate special improvement district shall be established by a separate ordinance enacted as provided in the ordinance authorizing the creation of special improvement districts. The ordinance authorizing the creation of special improvement districts may permit the county to provide for a board or association, established pursuant to chapter 414D, to provide management of the special improvement district, and to carry out activities as may be prescribed by the ordinance authorizing the creation of special improvement districts and the ordinance establishing the special improvement district as permitted thereby.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

- 1. So in original.

ACT 209

H.B. NO. 2006

A Bill for an Act Relating to Permits.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 171-55, Hawaii Revised Statutes, is amended to read as follows:

§171-55 Permits. (a) Notwithstanding any other law to the contrary, the board of land and natural resources may issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the board. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one year periods.

(b) In each emergency permit for the installation of a sandbag, the board shall include as a condition a requirement for the attachment of identifying information, including the permittee’s contact information and the permit number, to the sandbag. The board shall specify the form and manner in which the identifying information shall be attached to the sandbag.”

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SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 210

H.B. NO. 2329

A Bill for an Act Relating to Historic Preservation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 6E, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§6E- **President Barack Obama historical markers.** (a) The department shall consult with the Hawaii tourism authority and state foundation on culture and the arts to identify sites in the State that were significant in the life of President Barack Obama, the forty-fourth President of the United States of America, and determine appropriate locations for historical markers to indicate these significant sites.

(b) The department shall place historical markers at the locations identified pursuant to subsection (a); provided that:

- (1) If the location identified for a historical marker is on privately owned property, the historical marker shall only be placed if the property owner agrees to have the marker placed at that location;
- (2) If an owner of private property does not agree to have a marker placed on the owner’s property, the marker may be placed on public property in close proximity to that location; and
- (3) If the location identified for a historical marker is a private residence, the historical marker shall be placed only if the owner agrees to have a historical marker placed either at the residence or on public property in close proximity to that location.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$20,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of land and natural resources to place historical markers in the State to indicate sites that were significant in the life of President Barack Obama.

The sum appropriated shall be expended by the state historic preservation division of the department of land and natural resources for the purposes of this Act.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 211

H.B. NO. 2332

A Bill for an Act Relating to Easements.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that public agencies in the State frequently encounter challenges in obtaining various types of easements on public lands due to a requirement that obtaining an easement also requires a formal subdivision approval from the counties. The legislature further finds that the formal subdivision process requires a significant investment of time and resources, such as the hiring of a professional land surveyor to prepare a map and metes and bounds descriptions of the easement corridor, and can hinder progress in certain public projects that could proceed but for resolution of the easement issue. One example of this issue was raised by the Act 90 working group, which was established to determine the process, status, challenges, and potential remedies regarding delays in the transfer of certain non-agricultural park lands and assets related to their management from the department of land and natural resources to the department of agriculture. The Act 90 working group found that fifteen parcels would be considered eligible for transfer if an easement were provided to allow access to an adjacent parcel.

The legislature concludes that the process of granting easements on public lands would be simpler and more efficient if the process did not also require approval of a formal subdivision nor its related requirements, such as requirements for professional surveying. The legislature believes that this amendment to the process of obtaining easements on public lands would serve a greater public purpose and is appropriate, as easements are use rights rather than land development rights.

The purpose of this Act is to allow an exemption for the granting of easements on public lands affecting the transfer of lands between the department of land and natural resources and the department of agriculture, pursuant to chapter 166E, Hawaii Revised Statutes, from formal subdivision process and approval requirements, including requirements for surveying and formalizing easements; provided that the easements are created for a public purpose on public or government-owned lands.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§46- Easements; formal subdivision process and approval exemption. Notwithstanding any provision of law to the contrary, the granting of easements on public lands affecting the transfer of public lands between the department of land and natural resources and department of agriculture, pursuant to chapter 166E, may be exempt from formal subdivision process and approval requirements, including requirements for surveying and formalizing easements. Any exemption granted pursuant to this section shall be limited to easements created for a public purpose on public or other government-owned lands. The government agency that grants the easements may notify in writing the county having jurisdiction to process and approve the easements of the government agency’s intent to invoke this exemption.”

SECTION 3. Section 46-66, Hawaii Revised Statutes, is amended to read as follows:

“§46-66 Disposition of real property. Notwithstanding any other law to the contrary[;] and except as provided in section 46- , each county, subject

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to the approval of the council, may grant, sell, or otherwise dispose of any easement for particular purposes in perpetuity by direct negotiation or otherwise, subject to reverter to the county upon the termination or abandonment of the specific purpose for which the easement was granted, including easements over, under, through, and across land bordering the ocean and easements for any governmental or public utility purpose or for chilled water and seawater distribution systems for renewable energy seawater air conditioning district cooling systems.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 212

S.B. NO. 1411

A Bill for an Act Relating to Historic Preservation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 6E-11, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Any person who violates this section shall be fined not more than ~~[\$10,000]~~ \$20,000 for each separate violation. If the violator directly or indirectly has caused the loss of, or damage to, any historic property or burial site, the violator shall be fined an additional amount determined by the environmental court or an administrative adjudicative authority to be equivalent to the value of the lost or damaged historic property or burial site. Each day of continued violation of this provision shall constitute a distinct and separate violation for which the violator may be punished. Any landowner or developer responsible for any project where violations are found to have occurred shall execute any mitigation and preservation measures ordered by the department and shall be jointly and severally liable for any costs of mitigation and preservation. Equipment used by a violator for the taking, appropriation, excavation, injury, destruction, or alteration of any historic property or burial site, or for the transportation of the violator to or from the historic property or burial site, shall be subject to seizure and disposition by the State without compensation to its owner or owners.”

SECTION 2. Section 6E-11.5, Hawaii Revised Statutes, is amended to read as follows:

“**§6E-11.5 Civil penalties.** Except as provided in section 6E-11, any person who violates this chapter, or any rule adopted pursuant to this chapter shall be fined not less than \$500 nor more than ~~[\$10,000]~~ \$20,000 for each separate violation. Each day of each violation constitutes a separate violation.”

SECTION 3. Section 6E-12, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Any person violating this section shall be fined ~~no~~ not more than ~~[\$10,000.]~~ \$25,000. Each historic object or part of a prehistoric or historic human skeleton or associated burial good offered for sale or trade or removed from the jurisdiction in violation of this section shall constitute a distinct and separate offense for which the offender may be punished.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 213

S.B. NO. 2752

A Bill for an Act Relating to Abandoned Wells.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that wells in a state of disuse or disrepair can become conduits for contaminants to be introduced into ground water. Abandoned wells can also become receptacles for the disposal of waste, potentially resulting in additional contamination and associated risk to public health and the environment.

The legislature further finds that the commission on water resource management has developed minimum standards relating to water wells, including their sealing and abandonment, in order to protect the quality and quantity of the State’s ground water resources.

The purpose of this Act is to require an owner of an abandoned well to repair or seal the well at the owner’s expense.

SECTION 2. Section 174C-81, Hawaii Revised Statutes, is amended by amending the definition of “abandoned well” to read as follows:

““Abandoned well” means any well ~~that~~:

- (1) The purpose or use of which has been permanently discontinued~~[-]~~
~~Any well shall be deemed abandoned which is~~;
- (2) That has served its purpose;
- (3) That is not properly maintained;
- (4) The physical condition of which is causing a waste of ground water or is impairing or threatens to impair the quality of the ground water resources; or
- (5) That is in such a state of disrepair that its continued use ~~[for the purpose of obtaining ground water]~~ is impractical~~[-]~~ or poses a hazard to public health or safety.”

SECTION 3. Section 174C-87, Hawaii Revised Statutes, is amended to read as follows:

“§174C-87 [Abandonment] **Sealing of abandoned wells.** (a) When a well is abandoned, the owner shall ~~fill and~~ seal the abandoned well in a manner approved by the commission. Before ~~[abandonment,]~~ sealing, the owner shall file with the commission ~~[a report showing the owner’s name and address; the water use permit number, if any; the name and address of the well driller who will be employed to perform the work required for abandonment; the reason for abandonment; a description of the work to be performed to effect the abandonment;]~~ an application for a well sealing permit signed by a driller licensed to do the work and [such] other information [as] required by the commission [may require].

(b) The owner of an abandoned well shall repair or seal the well at the owner’s expense, as provided by the well construction and pump installation standards.

(c) Notwithstanding any other law to the contrary, if the owner of real property that includes an abandoned well transfers ownership of the real property, the owner shall notify the commission on water resource management of that transfer upon opening of escrow; provided that the presence or existence of the abandoned well is:

- (1) Within the knowledge of the owner; or
- (2) Visible from an accessible area.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 214

S.B. NO. 3298

A Bill for an Act Relating to Shooting Facilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) There is established within the department of land and natural resources for administrative purposes a working group to:

- (1) Determine basic shooting facility requirements, including the type of shooting venues desired for rifle, pistol, shotgun, air gun, archery, or other shooting sports on the island of Hawaii;
- (2) Construct a preliminary diagram showing all desired shooting venues and the basic support infrastructure required, determine the land size necessary for construction, and incorporate any safety zones required to prevent the escape of projectiles;
- (3) Create and publish a “Shooting Facility Requirements Manual” that incorporates the work of the working group, including a list and description of the desired shooting venues, required infrastructure, and priority of construction;
- (4) Conduct a review of appropriate building sites, elements driving construction, accessibility, gunfire sound propagation, lead management ability, cultural and biological use restrictions, climatology, access to utilities, and vandalism protection;

- (5) Prepare an estimate of design, time-phased construction, and facility operational costs;
- (6) Identify potential sources of revenue; and
- (7) Seek support from potential or identified facility development and operational entities.
- (b) The working group shall consist of the following members:
 - (1) The chairperson of the board of land and natural resources, or the chairperson's designee;
 - (2) The director of public safety, or the director's designee; and
 - (3) Any recreational shooters, hunters, representatives of government agencies, or other representatives deemed necessary by the chairperson of the board of land and natural resources or the director of public safety.
- (c) Members of the working group shall serve without compensation.
- (d) The working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 215

S.B. NO. 573

A Bill for an Act Relating to Wildlife.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 195D-21, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b)(1) Except as otherwise provided by law, the board, upon recommendation from the department, in cooperation with other state, federal, county, or private organizations and landowners, after a public hearing on the island affected, and upon an affirmative vote of ~~not~~ no less than two-thirds of its authorized membership, may enter into a habitat conservation plan, if it determines that:
- (A) The plan will further the purposes of this chapter by protecting, maintaining, restoring, or enhancing identified ecosystems, natural communities, or habitat types upon which endangered, threatened, proposed, or candidate species depend within the area covered by the plan;
 - (B) The plan will increase the likelihood of recovery of the endangered or threatened species that are the focus of the plan; and
 - (C) The plan satisfies all the requirements of this chapter.
- In the event the board votes to enter into a habitat conservation plan for which the majority of the endangered species recovery committee recommended disapproval, the board may not enter into the habitat conservation plan unless the plan is approved by a two-thirds majority vote of both houses of the legislature. Habitat conservation plans may allow conservation rental agreements, habitat banking, and direct payments. Any habitat conservation plan approved pursuant to this section shall be based on the best available scientific and other reliable data available at the time the plan is approved.
- (2) Each habitat conservation plan shall:

- (A) Identify the geographic area encompassed by the plan; the ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan; and the endangered, threatened, proposed, and candidate species known or reasonably expected to be present in those ecosystems, natural communities, or habitat types in the plan area;
- (B) Describe the activities contemplated to be undertaken within the plan area with sufficient detail to allow the department to evaluate the impact of the activities on the particular ecosystems, natural communities, or habitat types within the plan area that are the focus of the plan;
- (C) Identify the steps that will be taken to minimize and mitigate all negative impacts, including without limitation the impact of any authorized incidental take, with consideration of the full range of the species on the island so that cumulative impacts associated with the take can be adequately assessed; and the funding that will be available to implement those steps;
- (D) Identify those measures or actions to be undertaken to protect, maintain, restore, or enhance the ecosystems, natural communities, or habitat types within the plan area; a schedule for implementation of the measures or actions; and an adequate funding source to ensure that the actions or measures, including monitoring, are undertaken in accordance with the schedule;
- (E) Be consistent with the goals and objectives of any approved recovery plan for any endangered species or threatened species known or reasonably expected to occur in the ecosystems, natural communities, or habitat types in the plan area;
- (F) Provide reasonable certainty that the ecosystems, natural communities, or habitat types will be maintained in the plan area, throughout the life of the plan, in sufficient quality, distribution, and extent to support within the plan area those species typically associated with the ecosystems, natural communities, or habitat types, including any endangered, threatened, proposed, and candidate species known or reasonably expected to be present in the ecosystems, natural communities, or habitat types within the plan area;
- (G) Include an agreement to enter into and maintain an annual service contract with a stand-by and response facility available to provide emergency medical and rehabilitation services to native wildlife affected by activities undertaken within the plan area;
- [(G)] (H) Contain objective, measurable goals, the achievement of which will contribute significantly to the protection, maintenance, restoration, or enhancement of the ecosystems, natural communities, or habitat types; time frames within which the goals are to be achieved; provisions for monitoring (such as field sampling techniques), including periodic monitoring by representatives of the department or the endangered species recovery committee, or both; and provisions for evaluating progress in achieving the goals quantitatively and qualitatively; and

~~[(H)]~~ (I) Provide for an adaptive management strategy that specifies the actions to be taken periodically if the plan is not achieving its goals.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 216

S.B. NO. 2478

A Bill for an Act Relating to Taxation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 202, Session Laws of Hawaii 2016, established a renewable fuels production tax credit for the purpose of achieving greater energy security for Hawaii. However, the tax credit was repealed on December 31, 2021. Accordingly, the purpose of this Act is to reinstate a renewable fuels production tax credit.

SECTION 2. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§235- Renewable fuels production tax credit. (a) Each year during the credit period, there shall be allowed to each taxpayer subject to the taxes imposed by this chapter a renewable fuels production tax credit that shall be applied to the taxpayer’s net income tax liability, if any, imposed by this chapter for the taxable year in which the credit is properly claimed.

For each taxpayer producing renewable fuels, the annual dollar amount of the renewable fuels production tax credit during the ten-year credit period shall be equal to 20 cents per seventy-six thousand British thermal units of renewable fuels using the lower heating value sold for distribution in the State; provided that the taxpayer’s production of renewable fuels is not less than two billion five hundred million British thermal units of renewable fuels per calendar year; provided further that the amount of the tax credit claimed under this section by a taxpayer shall not exceed \$3,500,000 per taxable year; provided further that the tax credit shall only be claimed for fuels with lifecycle emissions below that of fossil fuels. No other tax credit may be claimed under this chapter for the costs incurred to produce the renewable fuels that are used to properly claim a tax credit under this section for the taxable year.

Each taxpayer, together with all of its related entities as determined under section 267(b) of the Internal Revenue Code and all business entities under common control, as determined under sections 414(b), 414(c), and 1563(a) of the Internal Revenue Code, shall not be eligible for more than a single ten-year credit period.

(b) In the case of a partnership, S corporation, estate, or trust, distribution and share of the renewable fuels production tax credit shall be determined pursuant to section 704(b) (with respect to a partner’s distributive share) of the Internal Revenue Code of 1986, as amended. For a fiscal year taxpayer, the taxpayer shall report the credit in the taxable year in which the calendar year end is included.

(c) No later than thirty days following the close of the calendar year, every taxpayer claiming a credit under this section shall complete and file an independent, third-party certified statement, at the taxpayer's sole expense, with and in the form prescribed by the Hawaii state energy office, providing the following information:

- (1) The type, quantity, and British thermal unit value, using the lower heating value, of each qualified fuel, broken down by the type of fuel, produced and sold during the previous calendar year;
- (2) The feedstock used for each type of qualified fuel;
- (3) The proposed total amount of credit to which the taxpayer is entitled for each calendar year and the cumulative amount of the tax credit the taxpayer received during the credit period;
- (4) The number of full-time and number of part-time employees of the facility and those employees' states of residency, totaled per state;
- (5) The number and location of all renewable fuel production facilities within and outside of the State; and
- (6) The lifecycle greenhouse gas emissions per British thermal units for each type of qualified fuel produced.

(d) Within thirty calendar days after the due date of the statement required under subsection (c), the Hawaii state energy office shall:

- (1) Acknowledge, in writing, receipt of the statement;
- (2) Issue a certificate to the taxpayer reporting the amount of renewable fuels produced and sold, the amount of credit that the taxpayer is entitled to claim for the previous calendar year, and the cumulative amount of the tax credit during the credit period; and
- (3) Provide the taxpayer with a determination of whether the lifecycle greenhouse gas emissions for each type of qualified fuel produced is lower than that of fossil fuels.

(e) The taxpayer shall file the certificate issued under subsection (d) with the taxpayer's tax return with the department of taxation. The director of taxation may audit and adjust the certification to conform to the facts.

(f) The total amount of tax credits allowed under this section shall not exceed \$20,000,000 for all eligible taxpayers in any calendar year. In the event that the credit claims under this section exceed \$20,000,000 for all eligible taxpayers in any given calendar year, the \$20,000,000 shall be divided between all eligible taxpayers for that year in proportion to the total amount of renewable fuels produced by all eligible taxpayers. Upon reaching \$20,000,000 in the aggregate, the Hawaii state energy office shall immediately discontinue issuing certificates and notify the department of taxation. In no instance shall the total dollar amount of certificates issued exceed \$20,000,000 per calendar year.

(g) Notwithstanding any other law to the contrary, the information collected and compiled by the Hawaii state energy office under subsections (c) and (d) for the purposes of the renewable fuels production tax credit shall be available for public inspection and dissemination, subject to chapter 92F.

(h) If the credit under this section exceeds the taxpayer's net income tax liability, the excess of the credit over liability may be used as a credit against the taxpayer's net income tax liability in subsequent years until exhausted, unless otherwise elected by the taxpayer pursuant to subsections (i) or (j). All claims for a credit under this section shall be properly filed on or before the end of the twelfth month following the close of the taxable year for which the credit may be claimed. Failure to comply with the foregoing provision or to provide the certified statement required under subsection (c) shall constitute a waiver of the right to claim the credit.

(i) A taxpayer may elect to reduce the eligible credit amount by thirty per cent and if this reduced amount exceeds the amount of income tax payment due from the taxpayer, the excess of the credit amount over payments due shall be refunded to the taxpayer; provided that tax credit amounts properly claimed by a taxpayer who has no income tax liability shall be paid to the taxpayer; provided further that no refund on account of the tax credit allowed by this section shall be made for amounts less than \$1.

The election required by this subsection shall be made in a manner prescribed by the director on the taxpayer's return for the taxable year in which the credit is claimed. An election once made is irrevocable.

(j) Notwithstanding subsection (i), an individual taxpayer may elect to have any excess of the credit over payments due refunded to the taxpayer, if:

- (1) All of the taxpayer's income is exempt from taxation under section 235-7(a)(2) or (3); or
- (2) The taxpayer's adjusted gross income is \$20,000 or less (or \$40,000 or less if filing a tax return as married filing jointly);

provided that tax credits properly claimed by a taxpayer who has no income tax liability shall be paid to the taxpayer; provided further that no refund on account of the tax credit allowed by this section shall be made for amounts less than \$1.

A married couple who does not file a joint tax return shall only be entitled to make this election to the extent that they would have been entitled to make the election had they filed a joint tax return.

The election required by this subsection shall be made in a manner prescribed by the director on the taxpayer's return for the taxable year in which the credit is claimed. An election once made is irrevocable.

(k) Before the production of any renewable fuels for the calendar year, the taxpayer shall provide written notice of the taxpayer's intention to begin production of renewable fuels. The written notice shall be provided to the department of taxation and the Hawaii state energy office and shall include information on the taxpayer, facility location, facility production capacity, anticipated production start date, and the taxpayer's contact information. Notwithstanding any other law to the contrary, the written notice described in this subsection, including taxpayer and facility information, shall be available for public inspection and dissemination, subject to chapter 92F.

(l) The taxpayer shall provide written notice to the director of taxation and the chief energy officer of the Hawaii state energy office within thirty days following the start of production. The notice shall include the production start date and expected renewable fuels production for the next twelve months. Notwithstanding any other law to the contrary, the written notice described in this subsection shall be available for public inspection and dissemination, subject to chapter 92F.

(m) Following each calendar year in which a credit under this section has been claimed, the chief energy officer of the Hawaii state energy office shall submit a written report to the governor and legislature regarding the production and sale of renewable fuels. The report shall include:

- (1) The number and location of renewable fuels production facilities in the State and outside the State that have claimed a credit under this section;
- (2) The total number of British thermal units of renewable fuels, itemized by type of fuel produced and sold during the previous calendar year; and
- (3) The projected number of British thermal units of renewable fuels production for the succeeding year.

(n) The director of taxation:

- (1) Shall prepare any forms that may be necessary to claim a tax credit under this section;
- (2) May require the taxpayer to furnish reasonable information to ascertain the validity of the claim for the tax credit made under this section; and
- (3) May adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this section.
- (o) As used in this section:

“Credit period” means a maximum period of ten consecutive years, beginning from the first taxable year in which a taxpayer begins renewable fuels production at a level of at least two billion five-hundred million British thermal units of renewable fuels per calendar year.

“Net income tax liability” means income tax liability reduced by all other credits allowed under this chapter.

“Renewable feedstocks” means:

- (1) Biomass crops and other renewable organic material, including but not limited to logs, wood chips, wood pellets, and wood bark;
- (2) Agricultural residue;
- (3) Oil crops, including but not limited to algae, canola, jatropha, palm, soybean, and sunflower;
- (4) Sugar and starch crops, including but not limited to sugar cane and cassava;
- (5) Other agricultural crops;
- (6) Grease and waste cooking oil;
- (7) Food wastes;
- (8) Municipal solid wastes and industrial wastes;
- (9) Water, including wastewater; and
- (10) Animal residues and wastes,

that can be used to generate energy.

“Renewable fuels” means fuels produced from renewable feedstocks; provided that the fuel:

- (1) Is sold as a fuel in the State; and
- (2) Meets the relevant ASTM International specifications or other industry specifications for the particular fuel, including but not limited to:
 - (A) Methanol, ethanol, or other alcohols;
 - (B) Hydrogen;
 - (C) Biodiesel or renewable diesel;
 - (D) Biogas;
 - (E) Other biofuels;
 - (F) Renewable jet fuel or renewable gasoline; or
 - (G) Logs, wood chips, wood pellets, or wood bark.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval and shall apply to taxable years beginning after December 31, 2021.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 217

H.B. NO. 1982

A Bill for an Act Relating to Taxes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§237- Withholding of tax by persons claiming the motion picture, digital media, and film production income tax credit. (a) Every person making payment to a loan-out company and claiming a tax credit pursuant to section 235-17 shall deduct and withhold an amount equal to the highest rate of tax under this chapter plus any applicable county surcharge for all payments made to the loan-out company for services performed in the State. The amounts withheld shall be remitted pursuant to subsection (b). The amounts withheld under this section shall be deemed to be a general excise tax withholding for the benefit of the loan-out company performing the service.

(b) Every person subject to subsection (a) shall make a return of the amount withheld and file the return with the department of taxation no later than the twentieth day of the calendar month immediately following the month in which the payment was made to the loan-out company. The taxes withheld shall be remitted with the return. The department of taxation shall prescribe the forms and procedures to administer this section.

(c) All taxes withheld pursuant to this section shall be held in trust by the person withholding for the State. If any person required to withhold and remit taxes under this section fails to withhold or remit the taxes, the person shall be liable for the failure as provided in section 235-64.”

SECTION 2. Section 237-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Loan-out company” means a wholly-owned entity formed on behalf of a person that serves as a separate entity that constitutes the person’s means of entering a contract with a third party for the purpose of providing services to the third party.”

SECTION 3. Section 235-17, Hawaii Revised Statutes, is amended to read as follows:

“§235-17 Motion picture, digital media, and film production income tax credit. (a) Any law to the contrary notwithstanding, there shall be allowed to each taxpayer subject to the taxes imposed by this chapter, an income tax credit that shall be deductible from the taxpayer’s net income tax liability, if any, imposed by this chapter for the taxable year in which the credit is properly claimed. The amount of the credit shall be:

- (1) [~~Twenty~~] Twenty-two per cent of the qualified production costs incurred by a qualified production in any county of the State with a population of over seven hundred thousand; or
- (2) [~~Twenty-five~~] Twenty-seven per cent of the qualified production costs incurred by a qualified production in any county of the State with a population of seven hundred thousand or less.

A qualified production occurring in more than one county may prorate its expenditures based upon the amounts spent in each county, if the population bases differ enough to change the percentage of tax credit.

In the case of a partnership, S corporation, estate, or trust, the tax credit allowable is for qualified production costs incurred by the entity for the taxable

year. The cost upon which the tax credit is computed shall be determined at the entity level. Distribution and share of credit shall be determined by rule.

If a deduction is taken under section 179 (with respect to election to expense depreciable business assets) of the Internal Revenue Code of 1986, as amended, no tax credit shall be allowed for those costs for which the deduction is taken.

The basis for eligible property for depreciation of accelerated cost recovery system purposes for state income taxes shall be reduced by the amount of credit allowable and claimed.

(b) The credit allowed under this section shall be claimed against the net income tax liability for the taxable year. For the purposes of this section, "net income tax liability" means net income tax liability reduced by all other credits allowed under this chapter.

(c) If the tax credit under this section exceeds the taxpayer's income tax liability, the excess of credits over liability shall be refunded to the taxpayer; provided that no refunds or payment on account of the tax credits allowed by this section shall be made for amounts less than \$1. All claims, including any amended claims, for tax credits under this section shall be filed on or before the end of the twelfth month following the close of the taxable year for which the credit may be claimed. Failure to comply with any of the foregoing provision shall constitute a waiver of the right to claim the credit.

(d) To qualify for this tax credit, a production shall:

- (1) Meet the definition of a qualified production specified in subsection [(m);] (o);
- (2) Have qualified production costs totaling at least [~~\$200,000;~~] \$100,000;
- (3) Provide the State a qualified Hawaii promotion, which shall be at a minimum, a shared-card, end-title screen credit, where applicable;
- (4) Provide evidence of reasonable efforts to hire local talent and crew;
- (5) Provide evidence when making any claim for products or services acquired or rendered outside of this State that reasonable efforts were unsuccessful to secure and use comparable products or services within this State;
- (6) Provide evidence of financial or in-kind contributions or educational or workforce development efforts, in partnership with related local industry labor organizations, educational institutions, or both, toward the furtherance of the local film and television and digital media industries[-];
- (7) Be compliant with all applicable requirements under title 14, including tax return filing and payments; and
- (8) Provide complete responses to the department of taxation's inquiries and document requests, in the form prescribed by the department, no later than ninety days from the inquiry or request.

(e) On or after July 1, 2006, no qualified production cost that has been financed by investments for which a credit was claimed by any taxpayer pursuant to section 235-110.9 is eligible for credits under this section.

(f) To receive the tax credit, the taxpayer shall first prequalify the production for the credit by registering with the department of business, economic development, and tourism during the development or preproduction stage.

(g) The director of taxation shall prepare forms as may be necessary to claim a credit under this section. The director may also require the taxpayer to furnish information to ascertain the validity of the claim for credit made under this section and may adopt rules necessary to effectuate the purposes of this section pursuant to chapter 91.

(h) Every taxpayer claiming a tax credit under this section for a qualified production shall, no later than ninety days following the end of each taxable year in which qualified production costs were expended, submit a written, sworn statement to the department of business, economic development, and tourism~~;~~ together with a verification review by a qualified certified public accountant using procedures prescribed by the department of business, economic development, and tourism, identifying~~;~~ that identifies:

- (1) All qualified production costs as provided by subsection (a), if any, incurred in the previous taxable year;
- (2) The amount of tax credits claimed pursuant to this section, if any, in the previous taxable year; and
- (3) The number of total hires versus the number of local hires by category and by county.

This information may be reported from the department of business, economic development, and tourism to the legislature ~~[in redacted form]~~ pursuant to subsection (i)(4).

(i) The department of business, economic development, and tourism shall:

- (1) Maintain records of the names of the taxpayers and qualified productions thereof claiming the tax credits under subsection (a);
- (2) Obtain and total the aggregate amounts of all qualified production costs per qualified production and per qualified production per taxable year;
- (3) Provide a letter to the director of taxation specifying the amount of the tax credit per qualified production for each taxable year that a tax credit is claimed and the cumulative amount of the tax credit for all years claimed; and
- (4) Submit a report to the legislature no later than twenty days prior to the convening of each regular session detailing the non-aggregated qualified production costs that form the basis of the tax credit claims and expenditures, itemized by taxpayer, in a redacted format to preserve the confidentiality and that shall include the dollar amount claimed, name of company, and name of the qualified production of the taxpayers claiming the credit.

(j) Upon each determination required under ~~[this]~~ subsection~~;~~ (i), the department of business, economic development, and tourism shall issue a letter to the taxpayer, regarding the qualified production, specifying the qualified production costs and the tax credit amount qualified for in each taxable year a tax credit is claimed~~;~~; provided that the department of business, economic development, and tourism shall issue the letter to the taxpayer no later than seven months after receipt of the taxpayer's statement under subsection (h). The taxpayer for each qualified production shall file the letter with the taxpayer's tax return for the qualified production to the department of taxation. Notwithstanding the authority of the department of business, economic development, and tourism under this section, the director of taxation may audit and adjust the tax credit amount to conform to the information filed by the taxpayer.

(k) Each taxpayer claiming a tax credit under this section shall submit to the department of business, economic development, and tourism a fee for the motion picture, digital media, and film production income tax credit in an amount equal to 0.2 per cent of the tax credit claimed by the qualified production no later than the deadline stated in subsection (c). The department of business, economic development, and tourism may prescribe the form and method by which this fee is remitted, including through electronic means. The fees col-

lected under this subsection shall be deposited into the Hawaii film and creative industries development special fund under section 201-113.

~~[(j)]~~ (l) Total tax credits claimed per qualified production shall not exceed ~~[\$15,000,000.]~~ \$17,000,000.

~~[(k)]~~ (m) Qualified productions shall comply with subsections (d), (e), (f), ~~and (h)]~~, and (k).

~~[(4)]~~ (n) The total amount of tax credits allowed under this section in any particular year shall be \$50,000,000; however, if the total amount of credits applied for in any particular year exceeds the aggregate amount of credits allowed for ~~[such]~~ that year under this section, the excess shall be treated as having been applied for in the subsequent year and shall be claimed in ~~[such]~~ the subsequent year; provided that no excess shall be allowed to be claimed after December 31, ~~[2025.]~~ 2032.

~~[(m)]~~ (o) For the purposes of this section:
 “Commercial”:

- (1) Means an advertising message that is filmed using film, videotape, or digital media, for dissemination via television broadcast or theatrical distribution;
- (2) Includes a series of advertising messages if all parts are produced at the same time over the course of six consecutive weeks; and
- (3) Does not include an advertising message with Internet-only distribution.

“Digital media” means production methods and platforms directly related to the creation of cinematic imagery and content, specifically using digital means, including but not limited to digital cameras, digital sound equipment, and computers, to be delivered via film, videotape, interactive game platform, or other digital distribution media.

“Post-production” means production activities and services conducted after principal photography is completed, including but not limited to editing, film and video transfers, duplication, transcoding, dubbing, subtitling, credits, closed captioning, audio production, special effects (visual and sound), graphics, and animation.

“Production” means a series of activities that are directly related to the creation of visual and cinematic imagery to be delivered via film, videotape, or digital media and to be sold, distributed, or displayed as entertainment or the advertisement of products for mass public consumption, including but not limited to scripting, casting, set design and construction, transportation, videography, photography, sound recording, interactive game design, and post-production.

“Qualified production”:

- (1) Means a production, with expenditures in the State, for the total or partial production of a feature-length motion picture, short film, made-for-television movie, commercial, music video, interactive game, television series pilot, single season (up to twenty-two episodes) of a television series regularly filmed in the State (if the number of episodes per single season exceeds twenty-two, additional episodes for the same season shall constitute a separate qualified production), television special, single television episode that is not part of a television series regularly filmed or based in the State, national magazine show, or national talk show. For the purposes of subsections (d) and ~~[(j)]~~ (l), each of the aforementioned qualified production categories shall constitute separate, individual qualified productions; and
- (2) Does not include:
 - (A) News;

- (B) Public affairs programs;
- (C) Non-national magazine or talk shows;
- (D) Televised sporting events or activities;
- (E) Productions that solicit funds;
- (F) Productions produced primarily for industrial, corporate, institutional, or other private purposes; and
- (G) Productions that include any material or performance prohibited by chapter 712.

“Qualified production costs” means the costs incurred by a qualified production within the State that are subject to the general excise tax under chapter 237 at the highest rate of tax or income tax under this chapter if the costs are not subject to general excise tax and that have not been financed by any investments for which a credit was or will be claimed pursuant to section 235-110.9. Qualified production costs include but are not limited to:

- (1) Costs incurred during preproduction such as location scouting and related services;
- (2) Costs of set construction and operations, purchases or rentals of wardrobe, props, accessories, food, office supplies, transportation, equipment, and related services;
- (3) Wages or salaries of cast, crew, and musicians;
- (4) Costs of photography, sound synchronization, lighting, and related services;
- (5) Costs of editing, visual effects, music, other post-production, and related services;
- (6) Rentals and fees for use of local facilities and locations, including rentals and fees for use of state and county facilities and locations that are not subject to general excise tax under chapter 237 or income tax under this chapter;
- (7) Rentals of vehicles and lodging for cast and crew;
- (8) Airfare for flights to or from Hawaii, and interisland flights;
- (9) Insurance and bonding;
- (10) Shipping of equipment and supplies to or from Hawaii, and interisland shipments; and
- (11) Other direct production costs specified by the department in consultation with the department of business, economic development, and tourism;

provided that any government-imposed fines, penalties, or interest that are incurred by a qualified production within the State shall not be “qualified production costs”. “Qualified production costs” does not include any costs funded by any grant, forgivable loan, or other amounts not included in gross income for purposes of this chapter.”

SECTION 4. Act 88, Session Laws of Hawaii 2006, as amended by Act 89, Session Laws of Hawaii 2013, as amended by Act 143, Session Laws of Hawaii 2017, is amended by amending section 4 to read as follows:

- “SECTION 4. This Act shall take effect on July 1, 2006; provided that:
- (1) Section 2 of this Act shall apply to qualified production costs incurred on or after July 1, 2006, and before January 1, [~~2026;~~] 2033; and
 - (2) This Act shall be repealed on January 1, [~~2026;~~] 2033, and section 235-17, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.”

ACT 218

SECTION 5. The department of taxation may establish two full-time equivalent (2.0 FTE) permanent tax auditor positions to examine claims for the motion picture, digital media, and film production income tax credit pursuant to section 235-17, Hawaii Revised Statutes, and other tax expenditures.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$153,334 or so much thereof as may be necessary for fiscal year 2022-2023 to carry out the purposes of this Act, including the payment of salaries of the tax auditor positions authorized pursuant to section 5 of this Act.

The sum appropriated shall be expended by the department of taxation for the purposes of this Act.

SECTION 7. The department of business, economic development, and tourism shall establish one full-time equivalent (1.0 FTE) permanent program specialist position to review and certify applications for the motion picture, digital media, and film production income tax credit pursuant to section 235-17, Hawaii Revised Statutes, and other tax credit applications submitted to the department for approval.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$76,666 or so much thereof as may be necessary for fiscal year 2022-2023 to carry out the purposes of this Act, including the payment of the salary of the program special position established pursuant to section 7 of this Act.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect on July 1, 2022; provided that sections 1, 2, 3, and 4 of this Act shall take effect on January 1, 2023.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 218

S.B. NO. 2378

A Bill for an Act Relating to the Taxation Board of Review.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 232-6, Hawaii Revised Statutes, is amended to read as follows:

“§232-6 Taxation board of review; appointment, removal, compensation.

(a) There is created a taxation board of review for the State.

(b) The board shall consist of ~~[no more than ten]~~ three salaried members who shall be residents of the State and shall be appointed for terms of six years each and be removable by the governor as provided in section 26-34[-]; provided that the terms of the salaried members first appointed shall end on June

30, 2025, June 30, 2027, and June 30, 2029, respectively, as designated by the governor at the time of their appointments. Notwithstanding section 26-34, no member shall be appointed to the board for more than three consecutive terms. The governor shall designate a member of the board to act as its chairperson [thereof], who shall be:

- (1) An attorney at law licensed to practice in all courts of the State; or
- (2) A certified public accountant having experience in the State.

In addition, the governor shall designate a member of the board to act as vice chairperson who shall serve as the chairperson of the board during the temporary absence from the State, temporary inability to act due to recusal, illness, or disqualification of the chairperson. Any vacancy in the board shall be filled for the unexpired term. [Each member shall receive and be paid out of the treasury compensation for the member's services at the rate of \$10 per day for each day's actual attendance and the member's actual traveling expenses. No officer or employee of the State shall be eligible for appointment to the board.]

(c) Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint, without regard to section 26-34, an acting member of the board during any regular member's temporary absence from the State, temporary inability to act due to recusal, disqualification, or illness. An acting member, during the acting member's term of service, shall have the same powers and duties as the regular member; provided that an acting member appointed due to a regular member's recusal or disqualification shall be appointed for the case in which the recusal or disqualification occurred, and the acting member's appointment shall terminate when the final decision is filed or the case is withdrawn.

(d) The members shall devote full time to their duties as members of the board. The chairperson of the board shall be paid a salary set at eighty-five per cent of the salary of the director of taxation, and the salary of each of the other members shall be ninety per cent of the chairperson's salary. No member shall hold any other public office or be in the employment of the State or a county, or any department or agency thereof, or any employee organization during the member's term.

(e) The board shall be within the department of taxation for budgetary and administrative purposes. All members of the board shall be exempt from chapters 76 and 89.

(f) At the close of each fiscal year, the board shall submit a written report to the governor and director of taxation on its activities, including the cases heard and their dispositions, and the names, duties, and salaries of its officers and employees; provided that the report shall not contain any information that is not made public under section 232-7."

SECTION 2. Section 232-7, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) At least [three] two board members shall be present at any meeting or proceeding of the board to constitute a quorum. The board shall validate its actions by a concurrence of a majority of the members who heard the appeal. The board shall [hold public meetings at some central location in each taxation district at least once annually and shall] hear, as speedily as possible, all appeals presented for each year. Each appeal shall be considered a contested case hearing under section 91-9. Written notice of the hearing shall meet the requirements of section 91-9.5; provided that if the notice is sent to the taxpayer's last known address, a return receipt shall not be required and, in lieu of a return receipt, the board shall post the notice on its website for a minimum of fifteen consecu-

tive days before the scheduled hearing date and provide confirmation that the notice was mailed. Taxpayers and others appearing before the board may also participate via teleconference or any other cost-efficient means of the board's choosing."

2. By amending subsections (d) and (e) to read:

"(d) The board shall base its decision solely on the law and evidence [~~before~~] presented directly to it[;] by the parties and, as provided in section 231-20, the assessment made by the assessor shall be deemed prima facie correct. All decisions of the board shall be reduced to writing and shall state separately the board's findings of fact and conclusions of law. The board shall file with the assessor concerned its decision in writing on each appeal decided by it, and a certified copy of the decision shall be furnished by the assessor to the taxpayer concerned by delivery or by mailing the copy addressed to the taxpayer's last known place of residence.

(e) The board and each member thereof, in addition to all other powers, shall also have the power to subpoena witnesses, administer oaths, examine books and records, and hear and take evidence in relation to any subject [~~pending before the board.~~] raised by the parties before the board. The tax appeal court shall have the power, upon request of the board, to enforce by proper proceedings the attendance of witnesses, giving of testimony by witnesses, and production of books, records, and papers at the hearings of the board."

SECTION 3. Notwithstanding any law to the contrary, the sitting members of the taxation board of review that were appointed pursuant to section 232-6, Hawaii Revised Statutes, it read the day before the effective date of section 1 of this Act, may hold over in office until their successors are appointed and qualified pursuant to section 1 of this Act.

SECTION 4. The department of taxation shall establish three new full-time equivalent (3.0 FTE) taxation board of review member positions. The department of taxation may establish two new full-time equivalent (2.0 FTE) positions to serve as administrative support or legal staff to the taxation board of review.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$518,542 or so much thereof as may be necessary for fiscal year 2022-2023 to effectuate this Act, including the payment of the salaries of board members, hiring of administrative support or legal staff, and other associated administrative costs.

The sum appropriated shall be expended by the department of taxation for the purposes of this Act.

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date. This Act also does not affect the county real property tax appeals and the respective county boards of review to which they are appealed, nor does this Act abrogate any county ordinance relating to a county's real property tax appeal procedures.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that section 1 shall take effect on January 1, 2023, and section 5 shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 219

S.B. NO. 2473

A Bill for an Act Relating to Economic Development.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to:

- (1) Transfer the administrative attachment of the agribusiness development corporation from the department of agriculture to the department of business, economic development, and tourism;
- (2) Amend the focus, scope, responsibilities, and powers of the agribusiness development corporation;
- (3) Amend the requirements and responsibilities of the board of directors of the agribusiness development corporation;
- (4) Amend the required contents of the Hawaii agribusiness plan; and
- (5) Appropriate funds.

SECTION 2. Section 163D-1, Hawaii Revised Statutes, is amended to read as follows:

“~~§163D-1~~ Findings and purpose. The legislature finds that the downsizing of the sugar and pineapple industries [~~is presenting~~] presented an unprecedented opportunity for the conversion of agriculture into a dynamic growth industry. Within the next decade, [~~seventy-five thousand~~] the State can use public agricultural lands to enhance the local economy, provide employment opportunities, decrease reliance on imported agricultural products, and provide more sources of locally grown food for residents. Thousands of acres of agricultural lands and fifty million gallons per day of irrigation water [~~are expected to be~~] were released by plantations. The downsizing of the sugar and pineapple industries [~~will idle~~] idled and left vacant a valuable inventory of supporting infrastructure including irrigation systems, roads, drainage systems, processing facilities, workshops, and warehouses[-] that are still largely underutilized. The challenge to government and business is to continue to conserve and convert the arable lands and their associated production infrastructure in a timely manner into new productive uses [~~that are based upon strategies developed from detailed marketing analysis and monitoring of local, national, and international opportunities. Constantly evolving economies require an aggressive].~~ Aggressive and dynamic leadership [for the promotion] can play a critically important role in promoting and [development of] developing agricultural enterprises, [and centralized leadership to coordinate] coordinating industry development, [provide] providing industry-wide services, [provide] providing marketing assistance, and [facilitate] facilitating investments and coventures in viable enterprises.

The purpose of this chapter is to create a vehicle and process to make optimal use of agricultural assets for the economic, environmental, and social benefit of the people of Hawaii. This chapter establishes a public corporation to administer an aggressive and dynamic agribusiness development program. The purposes of the corporation shall be to support the production of local agricultural products for local consumption in a manner that is economically and environmentally sustainable while continuing to develop commercial exports of

locally produced agricultural products. To further these purposes, the corporation shall coordinate and administer programs to assist agricultural enterprises to facilitate the transition of agricultural infrastructure from plantation operations into other agricultural enterprises, [to carry on the marketing analysis to direct agricultural industry evolution, and to provide the leadership for the development, financing, improvement, or enhancement of agricultural enterprises.] increase local production of agricultural products for local consumption, reduce the State's reliance on imported agricultural products, and increase access to farmland and related infrastructure for small local farmers and cooperatives."

SECTION 3. Section 163D-2, Hawaii Revised Statutes, is amended by amending the definition of "agriculture" to read as follows:

"Agriculture" means the production for [marketing] consumption within the State and exporting of plant and animal life on land and within ponds and other bodies of water for food, fiber, and raw materials for value-added products, and any agricultural enterprise or enterprises organized for the production of agricultural materials or value-added products based on detailed marketing analysis and strategies to exploit profitable potentials in local, national, and international markets, including general farming, cane growing, fruit growing, flower growing, aquaculture, growing of timber and forest products, apiary, grazing, dairying, and the production of any form of livestock or poultry, and their appurtenant services and facilities."

SECTION 4. Section 163D-3, Hawaii Revised Statutes, is amended to read as follows:

"§163D-3 Agribusiness development corporation; board of directors; established. (a) There is established the agribusiness development corporation, which shall be a public body corporate and politic and an instrumentality and agency of the State. The corporation shall be headed by a board of directors. The corporation shall be placed within the department of [agriculture] business, economic development, and tourism for administrative purposes, but the corporation may later incorporate as a nonprofit corporation if this proves desirable to further its objectives; provided that [such] reorganization as a nonprofit corporation shall not adversely affect the federal tax status of the interest on any bonds issued to finance any project or project facility.

(b) The board of directors of the corporation shall consist of eleven voting members, of whom eight shall be appointed by the governor. The terms of these eight members shall be four years; provided that, commencing on July 1, 2005, the governor shall reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year. The eight members shall be selected on the basis of their knowledge, experience, and proven expertise in small and large businesses within the agricultural industry, agricultural economics, banking, real estate, finance, promotion, marketing, local food production, and management. Of these eight members, one shall be from the city and county of Honolulu, one shall be from the county of Hawaii, one shall be from the county of Maui, one shall be from the county of Kauai, and four shall be appointed at-large. The director of business, economic development, and tourism; the chairperson of the board of agriculture; and the chairperson of the board of land and natural resources, or their designated representatives, shall be ex-officio, voting members of the board. All members shall continue in office until their respective successors have been appointed and qualified. The board shall annually elect its chairperson from among its members; provided that the chairperson shall not be an ex-officio member.

(c) The members of the board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties.

(d) The board shall appoint an executive director, who shall serve at the pleasure of the board and shall be exempt from chapter 76. The salary of the executive director shall be set by the board.

(e) The board shall develop and document annual goals and performance measures for the executive director that allow the board to annually evaluate the executive director's work to ensure compliance by the corporation with statutory requirements and achievement of its statutory purposes.

(f) The board shall evaluate and document the evaluation of the executive director's performance annually, or more frequently upon the request of at least four board members, based on annual goals, performance measures, and other relevant criteria.

(g) The board shall document the specific authority delegated to the executive director, including but not limited to the types of access and use of corporation property that the executive director may approve without notice to or approval by the board, and the rent credits and other amendments to board-approved contract terms that the executive director may approve without notice to or approval by the board.

[(e)] (h) The board, through its executive director, may appoint officers, agents, and employees; prescribe their duties and qualifications; and fix their salaries, without regard to chapter 76."

SECTION 5. Section 163D-4, Hawaii Revised Statutes, is amended to read as follows:

"§163D-4 Powers; generally. (a) Except as otherwise limited by this chapter, the corporation may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at its pleasure;
- (3) Make and alter bylaws for its organization and internal management;
- (4) Adopt rules under chapter 91 necessary to effectuate this chapter in connection with its projects, operations, and properties;
- (5) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- ~~[(6) Carry out surveys, research, and investigations into technological, business, financial, consumer trends, and other aspects of agricultural production in the national and international community;~~
- ~~(7)~~ (6) Acquire or contract to acquire by grant or purchase any real, personal, or mixed property or any interest therein for its immediate or future use for the purposes of this chapter; own, hold, improve, and rehabilitate any real, personal, or mixed property acquired, and sell, assign, exchange, transfer, convey, lease, or otherwise dispose of, or encumber the same;
- ~~[(8)]~~ (7) By itself, or in partnership with qualified persons, acquire, construct, reconstruct, rehabilitate, improve, alter, or repair any infrastructure or accessory facilities in connection with any project; own, hold, sell, assign, transfer, convey, exchange, lease, or otherwise dispose of, or encumber any project;
- ~~[(9)]~~ (8) In cooperation with the department of agriculture, pursuant to chapter 167, or otherwise through direct investment or coventure with a professional investor or enterprise or any other person, or otherwise, to acquire, construct, operate, and maintain water facili-

ties for conveying, distributing, and transmitting water for irrigation and agricultural uses at rates or charges determined by the corporation; provided that:

(A) This chapter shall not be construed to permit or allow the department of agriculture or any agribusiness development corporation to:

- (i) Amend or modify rights or entitlements to water as provided for by article XI, section 7, of the Constitution of the State of Hawaii, or the Hawaiian Homes Commission Act, 1920, as amended, and chapter 168;
- (ii) Diminish or abridge the traditional and customary rights of ahupua'a tenants who inhabited the Hawaiian Islands prior to 1778 under sections 1-1 and 7-1; and
- (iii) Impair, abridge, or terminate the legal rights or interests to water and its uses, whether by lease, easement, or other means, which are possessed or held by organizations whose primary purpose is to benefit people of Hawaiian ancestry; and

(B) All usage of water shall be in accordance with chapter ~~[[174C]]~~ and other applicable laws in the State;

~~[(10) Assist agricultural enterprises by conducting detailed marketing analysis and developing marketing and promotional strategies to strengthen the position of those enterprises and to better exploit local, national, and international markets;~~

~~[(11) Carry out specialized programs designed to develop new markets for Hawaii agricultural products;~~

~~[(12) (9) Receive, examine, and determine the acceptability of applications of qualified persons for allowances or grants for the development of new crops and agricultural products, the expansion of established agricultural enterprises, and the altering of existing agricultural enterprises;~~

~~[(13) (10) Coordinate its activities with any federal or state farm credit programs;~~

~~[(14) (11) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on the terms and conditions it deems advisable;~~

~~[(15) (12) Provide advisory, consultative, training, and educational services, technical assistance, and advice to any person, partnership, or corporation, either public or private, in order to carry out the purposes of this chapter, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;~~

~~[(16) (13) Procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable;~~

~~[(17) (14) Accept gifts or grants in any form from any public agency or any other source; and~~

~~[(18) (15) Do all things necessary or proper to carry out the purposes of this chapter.~~

(b) The corporation shall develop, promote, assist, and market agricultural products for local consumption, and shall promote and assist in commercial export ~~[crops and other crops for local markets.] of agricultural products.~~"

SECTION 6. Section 163D-5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§163D-5]~~ **Hawaii agribusiness plan.** (a) The corporation shall prepare and post on its website the Hawaii agribusiness plan, which shall define and establish goals, objectives, policies, and priority guidelines for its agribusiness development strategy. The plan shall include but not be limited to:

- (1) An inventory of agricultural lands with suitable adequate water resources that are or will become available ~~[due to the downsizing of the sugar and pineapple industries that]~~; provided that the inventory of agricultural lands under this paragraph shall be agricultural lands within the purview of the corporation that can be used to meet present and future agricultural production needs;
- (2) An inventory of available agricultural infrastructure ~~[that will be abandoned by sugar and pineapple industries]~~, such as irrigation systems, drainage systems, processing facilities, and other accessory facilities;
- (3) ~~An analysis of imported agricultural products and the potential for increasing local production to replace imported products in a manner that complements existing local producers and increases Hawaii's agricultural self-sufficiency;~~
- (4) ~~Alternatives in the establishment of sound financial programs to promote the development of diversified agriculture;~~
- (5) ~~Feasible strategies for the promotion, marketing, and distribution of Hawaii agricultural products in local, national, and international markets;~~
- (6) ~~Programs to promote and facilitate the absorbing of displaced agricultural workers into alternative agricultural enterprises;~~
- (7) ~~Strategies to insure the provision of adequate air and surface transportation services and supporting facilities to support the agricultural industry in meeting local, national, and international market needs;~~
- (8) ~~Proposals to improve the gathering of data and the timely presentation of information on market demands and trends that can be used to plan future harvests and production;], that are controlled by the corporation; and~~
- ~~[(9)]~~ (3) Strategies for federal [and], state [legislative], county, and community stakeholder actions that will promote the development and enhancement of Hawaii's agricultural industries.

(b) The Hawaii agribusiness plan goals shall have specific one-year, five-year, and ten-year objectives and measurable outcomes that prioritize local food production from the corporation's leases or licenses. The objectives and outcomes shall include annual performance goals and measures that the corporation shall be evaluated on annually.

(c) The Hawaii agribusiness plan shall also include metrics, timeframes, and budget expectations as part of the corporation's agribusiness development strategy.

~~[(b)]~~ (d) The corporation shall ~~[revise]~~ update the Hawaii agribusiness plan ~~[from time to time]~~ no later than July 1, 2023, and every five years thereafter, and shall incorporate the plan in its annual report to the governor and the legislature as provided in section 163D-19."

SECTION 7. Section 163D-8.5, Hawaii Revised Statutes, is repealed.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for a consultant to assist the agribusiness development corporation in preparing and finalizing the Hawaii agribusiness plan under section 163D-5, Hawaii Revised Statutes, including the facilitation of community stakeholder involvement.

The sum appropriated shall be expended by the agribusiness development corporation for the purposes of this Act.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$90,000 or so much thereof as may be necessary for fiscal year 2022-2023 for one full-time equivalent (1.0 FTE) permanent accountant V position to provide accounting and other fiscal support services to the agribusiness development corporation.

The sum appropriated shall be expended by the agribusiness development corporation for the purposes of this Act.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for security guard services to address trespassing, abandonment of vehicles on agribusiness development corporation land, and other security issues on vacant land of the agribusiness development corporation; provided that once agribusiness development corporation land is leased, security costs for the property shall be funded by agricultural cooperative association dues of property tenants.

The sum appropriated shall be expended by the agribusiness development corporation for the purposes of this Act.

SECTION 11. All rights, powers, functions, and duties of the department of agriculture relating to the agribusiness development corporation are transferred to the department of business, economic development, and tourism.

SECTION 12. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of agriculture relating to the functions transferred to the department of business, economic development, and tourism shall be transferred with the functions to which they relate.

SECTION 13. All employees who occupy civil service positions and whose functions are transferred to the department of business, economic development, and tourism by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status, but shall not be appointed to a civil service position as a consequence

of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws.

SECTION 14. All rules, policies, procedures, guidelines, and other material adopted or developed by the department of agriculture to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of business, economic development, and tourism by this Act shall remain in full force and effect until amended or repealed by the department of business, economic development, and tourism pursuant to chapter 91, Hawaii Revised Statutes. In the interim, every reference to the department of agriculture, board of agriculture, or chairperson of the board of agriculture in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of business, economic development, and tourism or director of business, economic development, and tourism, as appropriate.

SECTION 15. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 16. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 220

S.B. NO. 3334

A Bill for an Act Relating to Government Operations.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that the effective, efficient, and appropriate development and redevelopment of state lands is an important priority, both for the purposes of economic development and for the creation of new facilities that are of benefit to the public. However, at present, expertise with land development is scattered around state government. The office of planning and sustainable development and the Hawaii state energy office are a part of, and the Hawaii green infrastructure authority is administratively attached to, the department of business, economic development, and tourism. The State's two real estate development agencies, the Hawaii housing finance and development corporation and Hawaii community development authority are also administratively attached to this department. The director of the office of planning and sustainable development and executive director of the Hawaii housing finance and development corporation are the co-chairs of the Hawaii interagency council for transit-oriented development. The Hawaii technology development corporation is administratively attached to the department of business, economic

development, and tourism and has recently become responsible for the development of the first responders campus on Oahu. The Hawaii tourism authority is also administratively attached to the department of business, economic development, and tourism and is considering redeveloping all or a part of the Hawaii convention center.

However, the stadium authority is currently attached to the department of accounting and general services and is responsible for the construction of a new stadium and the development of the area surrounding the stadium, which includes more than seventy acres, is adjacent to the new Honolulu rail line, and is currently used as a parking lot.

Consolidating the State's land development functions within the department of business, economic development, and tourism would centralize the State's land development expertise and thereby more efficiently use the State's limited financial resources and personnel.

Accordingly, the purpose of this Act is to improve the operation of state government by:

- (1) Establishing the director of business, economic development, and tourism, or the director's designee, as an ex officio voting member of the Hawaii tourism authority and the stadium authority;
- (2) Transferring the stadium authority from the department of accounting and general services to the department of business, economic development, and tourism;
- (3) Amending the composition of the stadium authority;
- (4) Amending the development guidance policies of the stadium authority; and
- (5) Reducing the amount of general obligation bonds that may be issued to the stadium authority for the stadium development district.

PART II

SECTION 2. The purpose of this part is to add the director of business, economic development, and tourism to the board of the Hawaii tourism authority as an ex officio voting member.

SECTION 3. Section 201B-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The authority shall be headed by a policy-making board of directors that shall consist of twelve members; provided that:

- (1) The members shall be appointed by the governor as provided in section 26-34, except as provided by this section;
- (2) The members shall include at least one representative each from the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui;
- (3) Three members shall be appointed by the governor from a list of three names submitted for each appointment by the president of the senate, and three members shall be appointed by the governor from a list of three names submitted for each appointment by the speaker of the house of representatives; provided that if fewer than three names are submitted for each appointment, the governor may disregard the list;
- (4) At least six members shall have knowledge, experience, and expertise in the area of accommodations, transportation, retail, entertainment, or attractions, and at least one member appointed by the governor shall have knowledge, experience, and expertise in the area

of Hawaiian cultural practices; provided that no more than three members shall represent, be employed by, or be under contract to any sector of the industry represented on the board;

- (5) One member shall be the director of business, economic development, and tourism, or the director's designee, who shall be an ex officio voting member;
- [(5)] (6) The governor shall make appointments to ensure the fulfillment of all requirements of paragraphs (2) and (4); provided that upon the occurrence of a vacancy subject to paragraph (3), the governor shall notify the president of the senate and the speaker of the house of representatives of any unfulfilled requirements pursuant to paragraphs (2) and (4), and the president of the senate or the speaker of the house of representatives, as appropriate, shall submit nominees who fulfill those requirements; and
- [(6)] (7) No person who has served as a member of the board of directors of the Hawaii Visitors and Convention Bureau shall be eligible to sit as a member of the board of directors of the Hawaii tourism authority until at least two years have expired between the person's termination from service on the Hawaii Visitors and Convention Bureau board and the person's appointment to the authority's board of directors."

SECTION 4. The amendments made to section 201B-2, Hawaii Revised Statutes, shall apply to any vacancy of a Hawaii tourism authority board of directors member appointed pursuant to section 201B-2(b)(2) or (4), Hawaii Revised Statutes, that occurs on or after the effective date of this Act.

PART III

SECTION 5. The purpose of this part is to:

- (1) Transfer the stadium authority from the department of accounting and general services to the department of business, economic development, and tourism; and
- (2) Make amendments to chapter 206E, Hawaii Revised Statutes, relating to the membership of the stadium authority, development guidance policies of the stadium authority, and the amount of general obligation bonds that may be issued to the stadium authority.

SECTION 6. Section 109-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be within the department of [~~accounting and general services~~] business, economic development, and tourism for administrative purposes only, a stadium authority whose responsibility shall be to maintain, operate, and manage the stadium development district. The authority shall consist of eleven members. ~~Eight~~ members [~~who~~] shall be appointed by the governor in the manner prescribed by section 26-34.

Of the [~~eleven~~] eight public members:

- (1) One member shall be designated as the Aiea community representative and be a resident of one of the following areas:
 - (A) Excluding Ford Island, the area beginning at the intersection of the shoreline and Admiral Clarey (Ford Island) Bridge and running:
 - (i) Easterly along said bridge to Salt Lake boulevard;
 - (ii) Southeasterly along said boulevard to Luapele drive;

- (iii) Westerly along said drive to Fleet place;
 - (iv) Westerly along said place to Ulithi street;
 - (v) Southwesterly along said street to Luapele road;
 - (vi) Westerly along said road to Ulihi road;
 - (vii) Westerly along said road to Makalapa drive;
 - (viii) Southwesterly along said drive to Halawa drive;
 - (ix) Northwesterly along said drive to Kamehameha highway;
 - (x) Northerly along said highway to Halawa stream;
 - (xi) Westerly along said stream to the shoreline; and
 - (xii) Northerly along said shoreline to its intersection with Admiral Clarey (Ford Island) Bridge;
- (B) The area beginning at the intersection of Kaonohi street and H-1 freeway and running:
- (i) Southeasterly along said freeway to the Moanalua freeway - Kamehameha highway connector;
 - (ii) Northwesterly along said highway connector to Kamehameha highway;
 - (iii) Northwesterly along said highway to Aiea stream;
 - (iv) Southerly along said stream to the shoreline;
 - (v) Northwesterly along said shoreline to Kalauao stream;
 - (vi) Northeasterly along said stream to Kamehameha highway;
 - (vii) Northwesterly along said highway to Kaonohi street; and
 - (viii) Northeasterly along said street to its intersection with H-1 freeway; or
- (C) The area beginning at the intersection of Waimalu stream and Koolau ridge and running:
- (i) Southeasterly along said ridge to Ewa-Honolulu district boundary;
 - (ii) Southwesterly along said boundary to Red Hill Naval Reservation boundary;
 - (iii) Southwesterly along said boundary to Tampa drive;
 - (iv) Westerly along said drive to the unnamed road;
 - (v) Northerly along said road to Icarus way;
 - (vi) Westerly along said way to the unnamed road;
 - (vii) Southwesterly along said road to Moanalua freeway (H-201);
 - (viii) Westerly along said freeway to H-1 freeway;
 - (ix) Northwesterly along said freeway to Kaonohi street;
 - (x) Southwesterly along said street to Moanalua road;
 - (xi) Westerly along said road to Kaahumanu street;
 - (xii) Northerly along said street to Komo Mai drive;
 - (xiii) Easterly along said drive to Punanani gulch;
 - (xiv) Northeasterly along said gulch to the powerline;
 - (xv) Southeasterly along said powerline to Waimalu stream;
 - (xvi) Northeasterly along said stream to Aiea stream;
 - (xvii) Easterly along said stream to Waimalu stream; and
 - (xviii) Southeasterly along said stream to its intersection with Koolau ridge; and
- (2) One member shall be ~~from~~ designated as the west Honolulu community representative and be a resident of the area beginning at the intersection of H-1 freeway and Moanalua freeway (H-201) and running:

- (A) Southeasterly along said freeway to Aliamanu Military Reservation southern boundary;
- (B) Westerly along said boundary to Wanaka street;
- (C) Southwesterly along said street to Likini street;
- (D) Northwesterly along said street to Ukana street;
- (E) Southwesterly along said street to Keaka drive;
- (F) Northwesterly along said drive to Manuwa drive;
- (G) Southeasterly along said drive to Pakini street;
- (H) Southwesterly along said street to Keaka drive;
- (I) Southerly along said drive to Puolo drive;
- (J) Westerly along said drive to Likini street;
- (K) Southerly along said street to Maluna street;
- (L) Westerly along said street to Salt Lake boulevard;
- (M) Southeasterly along said boulevard to the former street entrance to U.S. Naval Reservation;
- (N) Southwesterly along said feature to Reeves loop;
- (O) Southwesterly along said loop to Radford drive;
- (P) Westerly along said drive to H-1 freeway; and
- (Q) Northerly along said freeway to its intersection with Moanalua freeway (H-201).

Each public member of the authority shall have been a citizen of the United States and a resident of the State for at least five years next preceding the member's appointment. The ~~eleven~~ remaining three members shall include the director of business, economic development, and tourism or the director's designee, who shall be an ex officio voting member, and the president of the University of Hawaii and [the] superintendent of education, or their designees, who shall be ex officio nonvoting members of the authority [but shall not vote]."

SECTION 7. Section 206E-221, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§206E-221[H]~~ **Stadium development district; purpose; findings.** The legislature finds that the aloha stadium and lands under the jurisdiction of the stadium authority and department of ~~[accounting and general services]~~ business, economic development, and tourism are underutilized. The stadium facility has been in dire need of significant repair and maintenance for many years. The stadium authority has considered repairing, upgrading, and replacing the existing facility to optimize the public's enjoyment and ensure public safety. Re-developing, renovating, or improving these public lands in a manner that will provide suitable recreational, residential, educational, and commercial areas, where the public can live, congregate, recreate, attend schools, and shop, as part of a thoughtfully integrated experience, is in the best interests of the State and its people.

This part establishes the stadium development district to make optimal use of public land for the economic, residential, educational, and social benefit of the people of Hawaii.

The legislature finds that the jurisdiction of the authority shall include development within the stadium development district. Any development within the district shall require a permit from the authority.”

SECTION 8. Section 206E-224, Hawaii Revised Statutes, is amended to read as follows:

“§206E-224 Development guidance policies. The following shall be the development guidance policies generally governing the authority's actions in the district:

- (1) Development shall be in accordance with stadium development district development plans ~~[or transit-oriented development plans]~~ adopted by the stadium authority for the development of the district; provided that the plan or plans shall consider any county ~~[transit-oriented]~~ development plan and allow for public input in the plan's preparation and updates;
- (2) The authority, upon the concurrence of a majority of its voting members, may modify and make changes to a transit-oriented development plan with respect to the district to respond to changing conditions; provided that before amending a transit-oriented development plan, the authority shall conduct a public hearing to inform the public of the proposed changes and receive public input;
- (3) The authority shall seek to promote economic development and employment opportunities by fostering diverse land uses and encouraging private sector investments that use the opportunities presented by the high-capacity transit corridor project consistent with the needs of the public, including mixed-use housing and housing in transit-oriented developments;
- (4) The authority may engage in planning, design, and construction activities within and outside the district; provided that activities outside the district shall relate to infrastructure development, area-wide drainage improvements, roadway realignments and improvements, business and industrial relocation, and other activities the authority deems necessary to carry out development of the district and implement this part. The authority may undertake studies or coordinate activities in conjunction with the county and appropriate state agencies and may address facility systems, industrial relocation, and other activities;
- (5) Archaeological, historic, and cultural sites shall be preserved and protected in accordance with chapter 6E;
- (6) Endangered species of flora and fauna shall be preserved to the extent required by law;
- (7) Land use and development activities within the district shall be coordinated with and, to the extent possible, complement existing county and state policies, plans, and programs affecting the district; and
- (8) Public facilities within the district shall be planned, located, and developed to support the development policies established by this chapter for the district and rules adopted pursuant to this chapter.”

SECTION 9. Section 206E-225, Hawaii Revised Statutes, is amended to read as follows:

“§206E-225 Stadium development district governance; memorandum of agreement. Notwithstanding sections 206E-3 and 206E-4.1, the stadium authority established pursuant to section 109-1 shall have sole jurisdiction regarding matters affecting the stadium development district; provided that the Hawaii community development authority~~;~~; department of ~~[accounting and general services;]~~ business, economic development, and tourism; and stadium authority shall enter into a memorandum of agreement regarding the implementation of responsibilities of the respective agencies.”

SECTION 10. Act 268, Session Laws of Hawaii 2019, section 6, as amended by section 5 of Act 4, Session Laws of Hawaii 2020, as amended by section 18 of Act 146, Session Laws of Hawaii 2021, is amended to read as follows:

“SECTION 6. The director of finance is authorized to issue general obligation bonds in the sum of [~~\$170,000,000~~] \$20,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fiscal year 2019-2020 to the stadium authority for the stadium development district; provided that the appropriation made for the capital improvement project authorized by this section shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that all moneys from the appropriation unencumbered as of June 30, 2024, shall lapse as of that date.

The sum appropriated shall be expended by the stadium authority for the purposes of this Act.”

SECTION 11. All rights, powers, functions, and duties of the department of accounting and general services as they relate to the stadium authority are transferred to the department of business, economic development, and tourism.

All officers and employees whose functions are transferred by this part shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this part.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this part, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this part shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 12. All rules, policies, procedures, guidelines, and other material adopted or developed by the department of accounting and general services to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of business, economic development, and tourism by this part shall remain in full force and effect until amended or repealed by the department of business, economic development, and tourism pursuant to chapter 91, Hawaii Revised Statutes.

In the interim, every reference to the department of accounting and general services, or comptroller in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of business, economic development, and tourism or director of business, economic development, and tourism, as appropriate.

SECTION 13. All deeds, leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the department of accounting and general services, pursuant to the provisions of the Hawaii Revised Statutes, that are reenacted or made applicable to the department of business, economic development, and tourism by this part shall remain in full force and effect. Upon the effective date of this part, every reference to the department of accounting and general services or the comptroller therein shall be construed as a reference to the department of business, economic development, and tourism or the director of business, economic development, and tourism, as appropriate.

SECTION 14. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of accounting and general services relating to the functions transferred to the department of business, economic development, and tourism shall be transferred with the functions to which they relate.

PART IV

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect on July 1, 2022.
(Approved June 27, 2022.)

ACT 221

H.B. NO. 871

A Bill for an Act Relating to Agricultural Enterprises.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
AGRICULTURAL ENTERPRISES**

§ -1 **Purpose.** Article XI, section 3, of the Hawaii State Constitution establishes in part that the “State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.”

Smaller scale farming operations, particularly those associated with diversified agriculture, often do not have ready access to, or the resources to pay for, their own modern processing, packing, storage, and distribution enterprises to allow them to expand or maximize the productivity of their agricultural operations. Due to global competition and the recent implementation of national food safety standards, the department of agriculture has found it necessary to support the growth of diversified agriculture by encouraging agricultural enterprises on the department of agriculture’s lands. The department of agriculture encourages activities including the planning, design, construction, operation, and management of agricultural enterprises to ensure the economic viability of agricultural operations, and allows lessees to do the same. Therefore, it is in the State’s best interests to establish an agricultural enterprise program within the

department of agriculture, which will also help meet state constitutional requirements to promote and support diversified agriculture and increase agricultural self-sufficiency.

Accordingly, the purpose of this chapter is to authorize the department of agriculture or its lessees to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure or improvements on any lands over which the department has jurisdiction where the activity is necessary to support and promote agriculture; accept from the department of land and natural resources the transfer of any lands that will serve an agricultural purpose; and efficiently operate or manage those resources.

§ -2 Definitions. As used in this chapter, unless the context otherwise requires:

“Agricultural activities” includes:

- (1) The care and production of livestock, livestock products, poultry, and poultry products;
- (2) The care and production of apiary, horticultural, and floricultural products;
- (3) The planting, cultivating, and harvesting of crops or trees; and
- (4) Any other activity that is directly associated with agriculture.

“Agricultural enterprise” means an activity directly and primarily supporting the production and sale of agricultural products in the State.

“Agricultural enterprise lands” means agricultural lands that are not designated as agricultural parks or non-agricultural park lands pursuant to chapter 166 or 166E.

“Aquacultural activities” means the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment; provided that the farm or ranch is on or directly adjacent to land.

“Board” means the board of agriculture.

“Department” means the department of agriculture.

“Lessee” means a lessee under a lease issued by or transferred to the department or any tenant, licensee, grantee, permittee, assignee, or other person authorized to conduct an agricultural enterprise by the board or department.

§ -3 Department’s powers in general; agricultural enterprises. In addition to any other powers authorized in this chapter, to support and promote agriculture, the department may:

- (1) Plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure or improvements on any lands under the jurisdiction of the department; and
- (2) Permit a lessee to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure or improvements on any lands under the jurisdiction of the department.

§ -4 Transfer and management of agricultural enterprise lands and agricultural enterprises; agricultural enterprise program. (a) Upon mutual agreement and approval by the board and the board of land and natural resources:

- (1) The department may accept from the department of land and natural resources the transfer and management of certain qualifying agricultural enterprise lands and agricultural enterprises; and
- (2) Certain assets, including position counts, related to the management of existing encumbered and unencumbered agricultural enterprise lands and agricultural enterprises, and related facilities, shall be transferred to the department.

(b) The department shall administer an agricultural enterprise program to manage the transferred agricultural enterprise lands and agricultural enterprises under rules adopted by the board pursuant to chapter 91. The program and its rules shall be separate and distinct from the respective programs and rules for agricultural parks and non-agricultural parks. Agricultural enterprise lands and agricultural enterprises shall not be the same as, and shall not be selected or managed as, lands under agricultural park or non-agricultural park leases. Notwithstanding any other law to the contrary, the agricultural enterprise program shall include the following conditions pertaining to the transfer of encumbered or unencumbered agricultural enterprise lands and agricultural enterprises:

- (1) At the time of transfer, the lessee or permittee shall:
 - (A) Be in full compliance with the existing lease or permit;
 - (B) Not be in arrears in the payment of taxes, rents, or other obligations owed to the State or any county; and
 - (C) Have an economically viable agricultural operation as determined by the board;
- (2) No encumbered or unencumbered agricultural enterprise lands and agricultural enterprises with soils classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be transferred for the use or development of golf courses, golf driving ranges, or country clubs; and
- (3) The board shall determine the manner of transfer of agricultural enterprise lands and agricultural enterprises.

(c) For any encumbered or unencumbered agricultural enterprise lands and agricultural enterprises transferred to the department that are not being utilized or required for the public purpose stated in an executive order issued by the governor to the department pursuant to section 171-11, the order setting aside the lands shall be withdrawn and the lands shall be returned to the department of land and natural resources.

§ -5 Conversion of qualified and encumbered agricultural enterprise lands and agricultural enterprises. The department shall establish criteria by rules adopted pursuant to chapter 91 and, subject to approval by the board, may convert qualified and encumbered agricultural enterprise lands and agricultural enterprises to department leases or other forms of encumbrance.

§ -6 Extension of qualified and encumbered agricultural enterprise lands and agricultural enterprises. Notwithstanding chapter 171, the board shall establish criteria and rules to allow the cancellation, renegotiation, and extension of transferred encumbrances by the department. Notwithstanding any law to the contrary, qualified and encumbered agricultural enterprise lands and agricultural enterprises transferred to the department shall not have the respective length of term of the lease or rents reduced over the remaining fixed term of the applicable encumbrances.

§ -7 Rules. The board shall adopt rules pursuant to chapter 91, including eligibility requirements for each disposition and applicant qualification, to effectuate the purposes of this chapter.

§ -8 Disposition. (a) Notwithstanding any provision of this chapter and chapter 171 to the contrary, the department may dispose of the following by negotiation, drawing of lots, conversion, or public auction:

- (1) Public lands and related enterprises set aside and designated for use pursuant to this chapter; and

- (2) Other lands and enterprises subject to the authority of the department pursuant to section -9.

Except as provided by subsection (d), the department shall dispose of public lands by lease.

(b) In all dispositions, the department shall be subject to the requirements set forth in rules adopted by the board pursuant to section -7 and subject to the following:

- (1) All land and enterprises shall be disposed of in a manner that supports or promotes agricultural activities or aquacultural activities;
- (2) Each lessee shall derive a major portion of the lessee's total annual income earned from the lessee's activities on the premises; provided that this restriction shall not apply if:
 - (A) Failure to meet the restriction results from mental or physical disability of the lessee or the loss of the lessee's spouse; or
 - (B) The premises are fully used to support or promote the agricultural activities or aquacultural activities for which the disposition was granted;
- (3) The lessee shall comply with all federal and state laws regarding environmental quality control;
- (4) The board shall:
 - (A) Determine the specific uses for which the disposition is intended;
 - (B) Parcel the land into minimum size economic units sufficient for the intended uses;
 - (C) Make, or require the lessee to make, improvements that are necessary to achieve the intended uses;
 - (D) Set the upset price or lease rent based upon an appraised evaluation of the property value, adjustable to the specified use of the lot;
 - (E) Set the term of the lease, which shall be no less than fifteen years nor more than sixty-five years, including any extension granted for mortgage lending or guarantee purposes; and
 - (F) Establish other terms and conditions that the board deems necessary, including restrictions against alienation and provisions for withdrawal by the board; and
- (5) Any transferee, assignee, or sublessee of an agricultural enterprise lease shall first qualify as an applicant under this chapter. For the purposes of this paragraph, any transfer, assignment, sale, or other disposition of any interest, excluding a security interest, by any legal entity that holds an agricultural enterprise lease shall be treated as a transfer of the agricultural enterprise lease and shall be subject to the approval of the board, reasonable terms and conditions consistent with this chapter, and rules adopted pursuant to this chapter. No transfer shall be approved by the board if the disposition of the stock or assets or other interest of the applicant would result in the failure of the person to qualify for an agricultural enterprise lease.

(c) A violation of any provision in this section shall be cause for the board to cancel the lease and take possession of the land, or take other action as the board, in its sole discretion, deems appropriate; provided that the board shall provide notice to the lessee of the violation in accordance with rules adopted pursuant to section -7.

(d) The board may issue easements, licenses, permits, and rights-of-entry for uses that are consistent with the purposes for which the lands were set

aside or are otherwise subject to the authority of the department pursuant to section -9.

§ -9 Authority to plan, design, develop, and manage agricultural enterprise lands and agricultural enterprises. The department, or its lessees subject to the department's approval, may plan, design, develop, and manage agricultural enterprise lands and agricultural enterprises on:

- (1) Public lands set aside by executive order pursuant to section 171-11 for use as agricultural enterprise lands and agricultural enterprises;
- (2) Other lands with the approval of the board that may be subject to a joint venture partnership agreement pursuant to section -10; and
- (3) Lands acquired by the department by way of foreclosure, voluntary surrender, or otherwise pursuant to section 155-4(11).

§ -10 Agricultural enterprise lands and agricultural enterprise development. On behalf of the State or in partnership with a federal agency, county, or private party, the department may develop agricultural enterprise lands and agricultural enterprises.

§ -11 Lease negotiation. (a) The department may negotiate and enter into leases with any person who:

- (1) Holds a revocable permit for agricultural purposes;
- (2) Has formerly held an agricultural lease or a holdover lease of public land that expired within the last ten years and has continued to occupy the land; or
- (3) Is determined by the department to have a beneficial impact on agriculture;

provided that the department shall notify in writing those eligible for lease negotiations under this section and shall inform the applicants of the terms, conditions, and restrictions provided by this section.

Any eligible person may apply for a lease by submitting a written application to the department within thirty days from the date of receipt of notification; provided that the department may require documentary proof from any applicant to determine that the applicant meets eligibility and qualification requirements for a lease.

(b) Lands eligible for lease negotiations under this section are limited to lands that are:

- (1) Determined to be sufficiently capable of serving agricultural purposes;
- (2) Set aside to the department for agricultural or agricultural-related uses by the governor through an executive order; and
- (3) Not needed by any state or county agency for any other public purpose.

(c) In negotiating and executing a lease pursuant to this section, the board shall:

- (1) Require the appraisal of the parcel using the Uniform Standards of Professional Appraisal Practice to determine the rental amount, including percentage of rent;
- (2) Require the payment of a premium, computed as twenty-five per cent of the annual lease rent; provided that the premium to be added to the annual lease rent for each year of the lease shall be equal to the number of years the lessee has occupied the land; provided further that the premium period shall not exceed seven years; and

- (3) Recover from the lessee the costs of expenditures required by the department to convert the parcel into a leasehold.

§ -12 Public lands exemption. Notwithstanding chapter 171, disposition of lands set aside for use pursuant to this chapter shall not be subject to the prior approval of the board of land and natural resources.

§ -13 Rights of holders of security interests. (a) Prior board action shall be required when an institutional lender acquires the lessee's interest through a judicial or nonjudicial foreclosure sale, by way of assignment in lieu of foreclosure, or when the institutional lender sells or causes the sale of the lessee's interest in a lease by way of a judicial or nonjudicial foreclosure sale. The institutional lender shall convey to the board a copy of the sale or assignment as recorded in the bureau of conveyances.

(b) Notwithstanding any other provision of this chapter, for any lease that is subject to a security interest held by an institutional lender who has given to the board a copy of the encumbrance as recorded in the bureau of conveyances:

- (1) If the lease is canceled for violation of any non-monetary lease term or condition, or if the lease is deemed terminated or rejected under bankruptcy laws, the institutional lender shall be entitled to issuance of a new lease in its name for a term equal to the term of the lease remaining immediately before the cancellation, termination, or rejection, with all terms and conditions being the same as in the canceled, terminated, or rejected lease, except only for the liens, claims, and encumbrances, if any, that were superior to the institutional lender before the cancellation, termination, or rejection; provided that a lease that is rejected or deemed rejected under bankruptcy law shall be deemed canceled and terminated for all purposes under state law;
- (2) If the lessee's interest under a lease is transferred to an institutional lender, including by reason of paragraph (1), acquisition of the lessee's interest pursuant to a judicial or nonjudicial foreclosure sale, or an assignment in lieu of foreclosure:
 - (A) The institutional lender shall be liable for the obligations of the lessee under the lease for the period of time during which the institutional lender is the holder of the lessee's interest; provided that the institutional lender shall not be liable for any obligations of the lessee arising after the institutional lender has assigned the lease; and
 - (B) Section -8(b)(1) and (2) shall not apply to the lease or the demised land during the time the institutional lender holds the lease; provided that:
 - (i) For non-monetary lease violations, the institutional lender shall first remedy the lease terms that caused the cancellation, termination, or rejection to the satisfaction of the board; and
 - (ii) The new lease issued to the institutional lender shall terminate one hundred twenty days from the effective date of issuance, at which time the institutional lender shall either sell or assign the lease and section -8(b)(1) and (2) shall apply to the new lease;
- (3) If there is a delinquent loan balance secured by a security interest:

- (A) The lease shall not be canceled or terminated, except for cancellation by reason of default of the lessee;
 - (B) No increase over and above the fair market rent, based upon the actual use of the land demised and subject to the use restrictions imposed by the lease and applicable laws, shall be imposed or become payable; and
 - (C) No lands shall be withdrawn from the lease, except either by eminent domain proceedings beyond the control of the board or with prior written consent of the institutional lender, which shall not be unreasonably withheld; and
- (4) If the lease contains any provision requiring the payment of a premium to the lessor on assignment of the lease, any premium shall be assessed only after all amounts owing by any debt secured by a security interest held by an institutional lender have been paid in full.

(c) Ownership of both the lease and the security interest by an institutional lender shall not effect or cause a merger thereof, and both interests shall remain distinct and in full force and effect unless the institutional lender elects in writing to merge the lease and security interest with the consent of the board.

(d) The board may include in any consent form or document provisions consistent with the intent of this section as may be required to make a lease mortgageable or more acceptable for mortgageability by an institutional lender.

(e) The rights of a purchaser, assignee, or transferee of an institutional lender's security interest, including a junior lien holder, shall be exercisable by the purchaser, assignee, or transferee as successor in interest to the institutional lender; provided that:

- (1) The purchase, assignment, or transfer shall conform with subsection (b)(4); and
- (2) The purchase, assignment, or transfer of the rights shall be reserved for and exercisable only by an institutional lender.

Other purchasers shall not be precluded from acquiring the institutional lender's security interest but shall not have exercisable rights as successor in interest to the original institutional lender.

(f) For the purposes of this section:

"Institutional lender" means a federal, state, or private lending institution, licensed to do business in the State, that makes loans to qualified applicants on the basis of a lease awarded for security, in whole or in part, together with any other entity that acquires all or substantially all of an institutional lender's loan portfolio.

"Security interest" means any interest created or perfected by a mortgage, assignment by way of mortgage, or by a financing statement and encumbering a lease, land demised by the lease, or personal property located at, affixed or to be affixed to, or growing or to be grown upon the demised land."

SECTION 2. Section 141-1, Hawaii Revised Statutes, is amended to read as follows:

§141-1 Duties in general. The department of agriculture shall:

- (1) Gather, compile, and tabulate, from time to time, information and statistics concerning:
 - (A) Entomology and plant pathology: Insects, scales, blights, and diseases injurious or liable to become injurious to trees, plants, or other vegetation, and the ways and means of exterminating pests and diseases already in the State and preventing the

introduction of pests and diseases not yet [~~here;~~] in the State; and

- (B) General agriculture: Fruits, fibres, and useful or ornamental plants and their introduction, development, care, and manufacture or exportation, with a view to introducing, establishing, and fostering new and valuable plants and industries;
- (2) Encourage and cooperate with the agricultural extension service and agricultural experiment station of the University of Hawaii and all private persons and organizations doing work of an experimental or educational character coming within the scope of the subject matter of chapters 141, 142, and 144 to 150A, and avoid, as far as practicable, duplicating the work of those persons and organizations;
 - (3) Enter into contracts, cooperative agreements, or other transactions with any person, agency, or organization, public or private, as may be necessary in the conduct of the department's business and on [~~such~~] any terms [~~as~~] the department may deem appropriate; provided that the department shall not obligate any funds of the State, except the funds that have been appropriated to the department. Pursuant to cooperative agreement with any authorized federal agency, employees of the cooperative agency may be designated to carry out, on behalf of the State the same as department personnel, specific duties and responsibilities under chapters 141, 142, and 150A, and rules adopted pursuant to those chapters, for the effective prosecution of pest control and animal disease control and the regulation of import into the State and intrastate movement of regulated articles;
 - (4) Secure copies of the laws of other states, territories, and countries, and other publications germane to the subject matters of chapters 141, 142, and 144 to 150A, and make laws and publications available for public information and consultation;
 - (5) Provide buildings, grounds, apparatus, and appurtenances necessary for the examination, quarantine, inspection, and fumigation provided for by chapters 141, 142, and 144 to 150A; for the obtaining, propagation, study, and distribution of beneficial insects, growths, and antidotes for the eradication of insects, blights, scales, or diseases injurious to vegetation of value and for the destruction of injurious vegetation; and for carrying out any other purposes of chapters 141, 142, and 144 to 150A;
 - (6) Formulate and recommend to the governor and legislature additional legislation necessary or desirable for carrying out the purposes of chapters 141, 142, and 144 to 150A;
 - (7) Publish at the end of each year a report of the expenditures and proceedings of the department and of the results achieved by the department, together with other matters germane to chapters 141, 142, and 144 to 150A and that the department may deem proper;
 - (8) Administer a program of agricultural planning and development, including the formulation and implementation of general and special plans, including but not limited to the functional plan for agriculture; administer the planning, development, and management of the agricultural park program; plan, construct, operate, and maintain the state irrigation water systems; plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure or improvements on any lands under the jurisdiction of the department; review, interpret, and make recommendations with respect to

public policies and actions relating to agricultural land and water use; assist in research, evaluation, development, enhancement, and expansion of local agricultural industries; and serve as liaison with other public agencies and private organizations for the above purposes. In the foregoing, the department shall act to conserve and protect agricultural lands and irrigation water systems, promote diversified agriculture, increase agricultural self-sufficiency, and ensure the availability of agriculturally suitable lands; and

- (9) Manage, administer, and exercise control over any public lands, as defined under section 171-2, that are designated important agricultural lands pursuant to section 205-44.5, including but not limited to establishing priorities for the leasing of these public lands within the department’s jurisdiction.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 222

H.B. NO. 1517

A Bill for an Act Relating to Coffee.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, for over thirty years, Hawaii has been the only region in the world that statutorily regulates the uses of its geographic names, such as “Kona”, “Maui”, and “Kau”, on labels of its specialty agricultural products but requires that only ten per cent of the product originate in the geographic area indicated. The low ten per cent requirement directly damages and degrades the reputation of world-famous Hawaii-grown coffees and inhibits the economic interests of Hawaii coffee farmers. The legislature notes that a 2018 publication entitled “Strengthening sustainable food systems through geographical indications: An analysis of economic impacts” by the Food and Agriculture Organization of the United Nations and the European Bank for Reconstruction and Development concluded, among other things, that Kona coffee “does not enjoy any strong protection of its name” from the State and, as a result, downstream stakeholders, rather than farmers, “reap the economic benefits of the fame of Kona.”

The purpose of this Act is to support Hawaii’s coffee growers by:

- (1) Directing the department of agriculture to conduct an independent study to assess the economic impact of Hawaii’s coffee labeling laws on local coffee farmers and the local coffee industry; and
- (2) Appropriating funds to the department of agriculture to conduct the economic impact study.

SECTION 2. (a) The department of agriculture shall conduct an independent study to assess the economic impact on local coffee farmers and the local coffee industry from potential changes to coffee labeling requirements established in section 486-120.6, Hawaii Revised Statutes. Analysis shall include studying the impacts of a change to a minimum coffee blend ratio of fifty-one per cent and one hundred per cent.

(b) The economic impact study shall include an analysis of impacts from the perspective of Hawaii coffee industry stakeholders located within the physical boundaries of the State.

(c) The department of agriculture shall consult with coffee farmers, including the Hawaii Coffee Association, Kona Coffee Farmers Association, and other stakeholders in the coffee industry for the purposes of conducting the study.

(d) The department of agriculture shall complete the study no later than January 1, 2024, and shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the economic impact study required by section 2 of this Act.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

ACT 223

H.B. NO. 1436

A Bill for an Act Relating to Development Rights.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that climate change is real. Rising sea levels throughout the State will erode beaches, damage habitats, and disrupt ecological processes and cause saline intrusion into freshwater ecosystems and groundwater, flooding or inundation of low-lying areas, and damage to private and public property and infrastructure.

The purpose of this Act is to expand the authority of the counties to regulate the transfer of development rights to help protect areas vulnerable to sea level rise, coastal erosion, storm surge, and flooding, thereby facilitating the potential movement of development away from at-risk areas to locations more appropriate for development.

SECTION 2. Section 46-161, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§46-161~~]]~~ Findings and purpose. The legislature finds that there is a need to clarify the authority of the counties to exercise the power to transfer development rights within a comprehensive planning program to:

- (1) Protect the natural, scenic, recreational, and agricultural qualities of open lands including critical resource areas; ~~and~~
- (2) Enhance sites and areas of special character or special historical, cultural, aesthetic, or economic interest or value~~[-]; and~~
- (3) Protect from development lands that are vulnerable to impacts and hazards from sea level rise, coastal erosion, storm surge, and flooding associated with climate change.

The legislature finds that transfer of development rights programs can help to ensure proper growth, while protecting open and distinctive areas and

spaces of varied size and character, including many areas that have significant agricultural, ecological, scenic, historical, aesthetic, or economic value. These areas, if preserved and maintained in their present state, would constitute important physical, social, aesthetic, or economic assets to existing or impending urban and metropolitan development. The legislature further finds that the transfer of development rights from lands vulnerable to or adversely affected by sea level rise, coastal erosion, storm surge, or flooding to lands that are not at risk from these hazards would reduce property losses and result in long-term economic and fiscal benefits to communities and government. The legislature [further] also finds that transferring development rights is a useful technique to achieve community objectives. Properly utilized, the concept can be fully consistent with comprehensive planning requirements. The legislature further finds and declares that the concept, utilizing the normal market in land, can provide a mechanism of just compensation to owners of property to be protected or preserved.”

SECTION 3. Section 46-163, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§46-163]]~~ **Conditions for the transfer of development rights.** In addition to any existing power, duty, and authority of the counties to regulate land uses by planning or zoning, the counties are hereby authorized to transfer and regulate the transfer of development rights, subject to the conditions set forth under this part, as well as planning laws, zoning laws, and any other conditions as the legislative body of each county deems necessary and appropriate. The purpose of providing for transfer of development rights shall be to:

- (1) Protect the natural, scenic, and agricultural qualities of open lands;
- (2) Enhance sites and areas of special character or special historical, cultural, aesthetic, or economic interest or value; ~~[and]~~
- (3) Protect lands at risk from sea level rise, coastal erosion, storm surge, or flooding; and
- ~~[(3)]~~ (4) Enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.
(Approved June 27, 2022.)

A Bill for an Act Relating to Education Annual Report Requirements.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to repeal certain department of education annual reporting requirements that are no longer necessary.

SECTION 2. Section 302A-431, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The ~~[department and the]~~ University of Hawaii shall submit a biennial report to the governor and the legislature prior to the convening of each

regular session in the first year of each biennium that identifies the cost impacts to the State of providing workers' compensation coverage for University of Hawaii students [~~under sections 302A-430 and 302A-440~~].”

SECTION 3. Section 302A-1134, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any child who, while attending school, is found to be in possession of a firearm, shall be excluded from attending school for not less than one year. The due process procedures of chapter 19 of the Department of Education, Hawaii Administrative Rules, shall apply to any child who, while attending school, is alleged to be in possession of a firearm. The superintendent, on a case-by-case basis, may modify the exclusion of a child found to be in possession of a firearm while attending school. If a child is excluded from attending school, the superintendent shall ensure that substitute educational activities or other appropriate assistance shall be provided. [~~The superintendent shall submit to the United States Department of Education, the state board of education, and the legislature an annual report indicating the number of students excluded, the types of firearms found in their possession, and the schools from which they were excluded.~~]”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 225

S.B. NO. 3090

A Bill for an Act Relating to Federal Indirect Overhead Reimbursements.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to provide greater fiscal transparency and prioritized use of indirect cost funds pursuant to section 302A-1405, Hawaii Revised Statutes. This Act makes reimbursement provisions applicable to all federal grants received by the department of education, state public charter school commission, or a charter school authorizer, as appropriate.

SECTION 2. Section 302A-1404, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department and the state public charter school commission or an authorizer, as appropriate, may retain and expend federal indirect overhead reimbursements for [~~discretionary~~] grants [~~in excess of the negotiated rate~~] for [~~such~~] the reimbursements as determined by [~~the~~]:

- (1) The director of finance and the superintendent; or [~~the~~]
- (2) The director of finance and the state public charter school commission or an authorizer, as appropriate.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)

A Bill for an Act Relating to Increasing the Payment Amount for the Office of Hawaiian Affairs' Pro Rata Share of the Public Land Trust.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it must set right and fulfill its trust responsibilities to native Hawaiians, consistent with governmental action across America to address injustices against Indigenous Peoples. It is incumbent upon the legislature to enact legislation that upholds its trust responsibilities and duty of care to native Hawaiians to:

- (1) Account for all ceded lands in the public lands trust inventory;
- (2) Account for all income and proceeds derived from the public land trust; and
- (3) Transfer the full twenty per cent pro rata share of income and proceeds from the public land trust annually to the office of Hawaiian affairs (OHA) for the betterment of the conditions of native Hawaiians.

The genesis and source of the State's public land trust responsibility to native Hawaiians are the historical events that led to the illegal overthrow of the Kingdom of Hawaii; the transfer of approximately 1,800,000 acres of crown, government, and public lands to the United States under the 1898 Joint Resolution of Annexation without the consent of and without compensation to the native Hawaiian people or their sovereign government; the admission of Hawaii as a state of the Union in 1959, with the explicit trust responsibility and requirement in section 5(f) of the 1959 Admission Act that one of the five purposes of the public land trust is that the income and proceeds from the public land trust are to be used "for the betterment of the conditions of native Hawaiians"; and the 1978 Constitutional Convention's recognition that native Hawaiians are one of the beneficiaries of the public land trust and the creation of OHA to manage and administer the specific allocation of "all income and proceeds from that pro rata portion of the [public land] trust . . . for native Hawaiians" (Article XII, section 6, of the Hawaii State Constitution). The United States and the courts have consistently affirmed the trust nature of the government and crown lands, including large tracts of ceded lands used for military or other purposes under federal control.

In 1959, as a condition of its admission into the Union, the State of Hawaii agreed to hold certain lands granted to the State by the United States in a public trust for five purposes delineated in section 5(f) of the Admission Act, which provides in relevant part:

The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust [(1)] for the support of the public schools and other public educational institutions, [(2)] *for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended,* [(3)] for the development of farm and home ownership on as widespread a basis as possible [(4)] for the making of public improvements, and [(5)] for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may

provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States.

(Emphasis added.)

In 1978, the people of Hawaii affirmed the State's trust obligation to native Hawaiians by ratifying constitutional amendments from the Constitutional Convention, including article XII, sections 4, 5, and 6, of the Hawaii State Constitution, which established OHA and charged it with managing income and proceeds from the public land trust for the benefit of native Hawaiians. Article XVI, section 7, of the Hawaii State Constitution required the State to enact legislation to comply with its trust obligations. Thus, in 1979, legislation, codified as chapter 10, Hawaii Revised Statutes, set forth the purposes of OHA and described the duties of its trustees.

In September 1981, an initial land inventory by the department of land and natural resources listed approximately 1,271,652 acres, falling woefully short of its duty to provide a complete inventory of the public land trust lands. Additionally, the state land information management system does not include all lands held by all state entities.

Act 273, Session Laws of Hawaii 1980, enacted section 10-13.5, Hawaii Revised Statutes, to implement OHA's pro rata share and required that OHA receive "[t]wenty per cent of all funds derived from the public land trust[.]" This legislative directive addressing the constitutional mandate has led to a series of lawsuits and legislative enactments concerning OHA's constitutional pro rata share of the public land trust. The State and OHA have labored to resolve the political question of the statutory pro rata share of income and proceeds derived from the public land trust, and payment to OHA.

Act 178, Session Laws of Hawaii 2006, affirmed the State's trust obligation to native Hawaiians by requiring that the department of land and natural resources provide an annual accounting of revenue-generating public trust lands and the amounts derived from those lands to the legislature. The measure also set a fixed amount of \$15,100,000 from the pro rata share of the public land trust income and proceeds due to OHA for the betterment of the conditions of native Hawaiians until further action is taken by the legislature for this purpose.

Act 15, Session Laws of Hawaii 2012, (Act 15) was enacted to address past-due amounts, which accumulated during the period between November 7, 1978, up to and including June 30, 2012, of income and proceeds from the public land trust owed to OHA by implementing an agreement between the State and OHA for the State to convey certain lands in Kakaako, Oahu, to OHA valued at approximately \$200,000,000. Act 15 did not, however, address the State's constitutional obligations relating to OHA's twenty per cent pro rata share of the income and proceeds from the public land trust generated after June 30, 2012. Notably, a 2015-2016 financial review initiated by OHA found that the minimum amount of total gross receipts from sources that OHA has historically claimed was approximately \$394,322,163 in the fiscal year 2015-2016. Twenty per cent of this gross amount is approximately \$78,900,000.

The legislature finds that to uphold its constitutional trust obligation and duty to native Hawaiians, it must enact another legislative measure in light of the information, data, and facts provided to the legislature by state agencies since the enactment of Act 178, Session Laws of Hawaii 2006, more than a decade ago.

The purpose of this Act is to:

- (1) Establish \$21,500,000 as the office of Hawaiian affairs' interim annual share of the income and proceeds of the public land trust beginning in fiscal year 2022-2023;
- (2) Appropriate \$64,000,000 to the office of Hawaiian affairs; and

- (3) Establish a working group to determine the pro rata share of income and proceeds from the public land trust due annually to the office of Hawaiian affairs.

SECTION 2. Act 178, Session Laws of Hawaii 2006, is amended by amending sections 2 and 3 to read:

“SECTION 2. Notwithstanding the provisions of chapter 10, Hawaii Revised Statutes, including section 10-13.5, Hawaii Revised Statutes, and until further action is taken by the legislature for this purpose, the income and proceeds from the pro rata portion of the public land trust under article XII, section 6, of the state constitution for expenditure by the office of Hawaiian affairs for the betterment of the conditions of native Hawaiians for each fiscal year beginning with fiscal year [~~2005-2006~~] 2022-2023 shall be [~~\$15,100,000~~] \$21,500,000.

SECTION 3. Notwithstanding the provisions of chapter 10, Hawaii Revised Statutes, or the requirements of Executive Order No. [~~03-03~~] 06-06, beginning in fiscal year [~~2005-2006~~] 2022-2023, the departments of agriculture, accounting and general services, business, economic development, and tourism, education, land and natural resources, and transportation (for its harbors division), and any other department or agency that collects receipts from the lands within the public land trust, shall determine and transfer to the office of Hawaiian affairs that portion of their receipts from the use of lands within the public land trust collected during each fiscal quarter, necessary to ensure that a total of [~~\$3,775,000~~] \$5,375,000 of revenues generated by the public land trust is transferred to the office of Hawaiian affairs, within thirty days of the close of each fiscal quarter; provided that for fiscal year [~~2005-2006~~] 2022-2023, the departments shall have until thirty days after the close of the fiscal year to transfer a total of [~~\$15,100,000~~] \$21,500,000 from their receipts from the use of lands within the public land trust collected during fiscal year [~~2005-2006~~] 2022-2023, to the office of Hawaiian affairs whether by the procedures set out in Executive Order No. [~~03-03~~] 06-06 or this Act.

The governor is expressly authorized to fix the amounts each agency shall transfer to the office of Hawaiian affairs in each quarter by executive order to implement the provisions of this section[-]; provided that a total of not less than \$5,375,000 each quarter shall be transferred to the office of Hawaiian affairs, as provided in this section.”

SECTION 3. (a) There is established a working group to:

- (1) Account for all ceded lands in the public land trust inventory;
- (2) Account for all income and proceeds from the public land trust; and
- (3) Subsequently determine the twenty per cent pro rata share of income and proceeds from the public land trust due annually to the office of Hawaiian affairs for the betterment of the conditions of Native Hawaiians.

(b) The working group shall be comprised of six members, three of whom three shall be appointed by the governor and three of whom shall be appointed by the office of Hawaiian affairs board of trustees.

(c) The working group, with the cooperation of any department or agency that uses, manages, or receives income, proceeds, or any other funds derived from the public land trust, shall prepare and submit a report of its findings and recommendations, including any proposed legislation and the amount it determines for the annual amount of the twenty per cent pro rata share of income and proceeds from the public land trust, to the legislature.

(d) The office of Hawaiian affairs shall provide any necessary administrative support, including preparation of the report required by subsection (c), to the working group.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$64,000,000 or so much as may be necessary for fiscal year 2021-2022 to pay to the office of Hawaiian affairs for a portion of the income and proceeds from the public land trust. The sum appropriated shall be deposited into the native Hawaiian trust fund and expended by the office of Hawaiian affairs.

SECTION 5. The general revenue appropriated by this Act shall be deemed income and proceeds from the public land trust as if the sum had been paid out of income and proceeds from the public land trust pursuant to article XII, section 6, of the Hawaii State Constitution.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 227

H.B. NO. 1411

A Bill for an Act Relating to Registration of Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that more than eight thousand vehicles are abandoned in Hawaii every year. In 2019, four thousand seven hundred abandoned vehicles were reported on Oahu, one thousand eight hundred abandoned vehicles were reported on Maui, 1,620 abandoned vehicles were reported on Hawaii island, and nine hundred abandoned vehicles were reported on Kauai. These abandoned vehicles are an eyesore in communities, harmful to the environment, and a financial burden to the counties. The legislature further finds that, as a result of fraud occurring at the vehicle title transfer level, there is an ongoing issue with locating the proper owner of a vehicle that has been abandoned.

The purpose of this Act is to more accurately track motor vehicle ownership by:

- (1) Requiring that the transferee's and transferor's address be provided on the certificate of ownership when the title to a motor vehicle is transferred;
- (2) Clarifying that the signature of the transferee and signature of the transferor each serve as an attestation by that respective party as to the validity of the information on the certificate of ownership; and
- (3) Imposing a fine on any person who provides false or fraudulent information.

SECTION 2. Section 286-52, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Upon a transfer of the title or interest of a legal owner in or to a vehicle registered under this part, the person whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for the vehicle, together with the [address] addresses of the person whose title or interest is to be transferred and the transferee in the appropriate [space] spaces provided upon the certificate. The signature

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of the person whose title or interest is to be transferred and signature of the transferee shall each serve as an attestation by that respective party that the information provided on the certificate is correct. Any person who provides false or fraudulent information under this subsection shall be fined no less than \$500 and no more than \$1,000.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2023.

(Approved June 27, 2022.)

ACT 228

H.B. NO. 1412

A Bill for an Act Relating to Abandoned Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that abandoned vehicles continue to overrun neighborhoods across the State. The prevalence of abandoned vehicles on public streets has created widespread environmental issues, as well as unsafe and unhealthy conditions for Hawaii residents. The legislature further finds that existing law is silent regarding the distance a vehicle must be moved in order to no longer be classified as abandoned. This loophole can create problems in the disposition of an abandoned vehicle if a vehicle that was once deemed abandoned can no longer be classified as abandoned if it merely moves an inch or two from the location where it was deemed abandoned. The legislature believes that it should be clear as to how much a vehicle must be moved and when it must be moved in order to no longer be classified as abandoned.

Accordingly, the purpose of this Act is to require the counties to provide a minimum distance a vehicle must be moved within a specified timeframe after a vehicle is initially inspected for abandonment to avoid an official classification of abandonment.

SECTION 2. Section 290-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The counties shall cause vehicles that have been abandoned to be taken into custody within ten business days of abandonment. For the purposes of this subsection, a vehicle is “abandoned” if it is defined to be abandoned by an ordinance of the county in which the vehicle is located[-]; provided that the ordinance shall provide a minimum distance and timeframe in which a vehicle must be moved after the initial inspection in order to not be classified as being abandoned. If the vehicle has not moved the minimum distance within the specified timeframe as required by the county ordinance after the initial inspection, the agency designated to carry out the functions and requirements of this section shall provide notice that the vehicle must be moved the minimum distance within the specified timeframe or the vehicle shall be classified as abandoned and subject to removal as provided by this chapter. In the absence of such an ordinance, a vehicle is “abandoned” if it is left unattended for a continuous period of more than twenty-four hours and it is unlawfully parked on any public highway or other public property or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a public highway. The mayors of the several counties may designate an agency within their counties to carry out

the functions and requirements of this section. For the purposes of this subsection, “agency” means any office, department, or other governmental unit of the county.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

ACT 229

H.B. NO. 1413

A Bill for an Act Relating to Abandoned Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there has been a rise in abandoned vehicles within the State, necessitating a large amount of funding for the counties to dispose of the abandoned vehicles. To offset the costs, charges and fines are levied against individuals who abandon their vehicles. However, there is no current mechanism that requires the individuals to pay the charges within a reasonable timeframe, resulting in numerous outstanding cases within the State.

Accordingly, the purpose of this Act is to:

- (1) Authorize the director of finance of a county to require payment of outstanding charges and fines relating to the disposition of an abandoned vehicle before issuing a certificate of registration or completing a transfer of ownership, except under certain circumstances; and
- (2) Require a county director of finance to notify the appropriate county examiner of drivers of the individuals who have outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle for the purposes of suspending, revoking, or prohibiting the renewal of their driver’s licenses.

SECTION 2. Chapter 290, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§290- Abandoned vehicles; prohibition on transfer; suspension, revocation, or prohibition of renewal of driver’s license; notification. (a) The county director of finance shall deny issuance of a certificate of registration, in accordance with section 286-51, and prohibit completion of any transfer of ownership, in accordance with sections 286-52 and 286-52.5, of an abandoned vehicle whose registered owner has outstanding charges and fines relating to the disposition of the abandoned vehicle, including for costs related to towing, storage, processing, and disposal.

(b) The county director of finance shall notify the appropriate county examiner of drivers of any registered owners of abandoned vehicles in the county who have outstanding charges and fines relating to the disposition of an abandoned vehicle. The county examiner of drivers shall then suspend, revoke, or prohibit the renewal of the registered owner’s driver’s license in accordance with sections 286-107 and 286-119.”

SECTION 3. Section 286-51, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The certificate of registration for each motor vehicle in the counties of the State shall be renewed on a staggered basis as established by each county. The director of finance of each county may adopt rules to carry out the purposes stated in this section and shall expend the ~~[necessary]~~ funds from the director’s operating funds as may be necessary for these purposes; provided that ~~[the director of finance,]~~ if the director has ascertained as of the date of the application that ~~[the]~~:

- (1) The registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county~~[-or the]~~;
- (2) The registered owner of a motor carrier vehicle, as defined in section 286-201, has not resolved any outstanding federal operations out-of-service orders issued by the United States Secretary of Transportation~~[-]; or~~
- (3) The registered owner has outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle, including for costs related to towing, storage, processing, and disposal.

the director may require, as a condition precedent to the renewal, that the registered owner deposit or pay bail with respect to all such summonses or citations, ~~[or]~~ resolve all federal operations out-of-service orders~~[-]~~, or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle. The payment of all outstanding charges or fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle. The certificates of registration issued hereunder shall show, in addition to all information required under section 286-47, the serial number of the tag or emblem and shall be valid during the registration year only for which they are issued. Any certificate of registration belonging to a motor carrier shall be suspended or revoked when that motor carrier has been issued any federal operations out-of-service orders by the United States Secretary of Transportation and that certificate of registration shall remain suspended or revoked until all the federal operations out-of-service orders are resolved. The certificates of ownership need not be renewed annually but shall remain valid as to any interest shown therein until canceled by the director of finance as provided by law or replaced by new certificates of ownership as hereinafter provided.”

SECTION 4. Section 286-52, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Subsection (b), requiring a transferee to forward the certificate of ownership after endorsement to the director of finance, shall not apply to the transferee of a vehicle who was not intending to and does not drive the vehicle or permit the vehicle to be driven upon the public highways, but every such transferee, upon transferring the transferee’s interest or title to another, shall give notice of the transfer to the director of finance and endorse the certificate of ownership to the new legal owner and the certificate of registration to the new owner~~[- provided that if]~~. If the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county~~[-] or has~~

outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle under the registered owner, including for costs related to towing, storage, processing, and disposal, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to all such summons or citations[-] or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle; provided that payment of all outstanding charges and fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle.”

SECTION 5. Section 286-52.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county[-] or has outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle under the registered owner, including for costs related to towing, storage, processing, and disposal, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to all such summonses or citations[-] or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle; provided that payment of all outstanding charges and fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle.”

SECTION 6. Section 286-107, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) No driver’s license shall be renewed by the examiner of drivers unless:

- (1) The examiner of drivers is satisfied of the applicant’s fitness to continue to operate a motor vehicle;
- (2) The fee required by subsection (d) is tendered together with the application for renewal; ~~and~~
- (3) The applicant complies with section 286-102.5[-]; and
- (4) The examiner of drivers is satisfied that the applicant does not have outstanding charges and fines relating to the disposition of an abandoned vehicle.”

SECTION 7. Section 286-110, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Notwithstanding any other law to the contrary, the examiner of drivers may issue an instruction permit to an applicant with a disability who has completed a medical review with this State, and as a condition to licensure is required to pass a road test, but has failed the road test on the applicant’s first attempt. The instruction permit issued under this subsection may be renewed no more than thirty days prior to or ninety days after the expiration date of the instruction permit upon receiving an updated medical report. Subsections (b)(2)

and (3) shall not apply to the issuance or renewal of an instruction permit issued under this subsection.

For the purposes of this subsection, “applicant with a disability” means an applicant who the examiner of drivers has reasonable cause to believe may have a mental or physical infirmity or disability that would make it unsafe to operate a motor vehicle pursuant to section ~~[286-119]~~ 286-119(a)(1) and has been medically evaluated by the medical advisory board established pursuant to section 286-4.1.”

SECTION 8. Section 286-119, Hawaii Revised Statutes, is amended to read as follows:

“§286-119 Authority of examiner of drivers to suspend or revoke licenses.

(a) The examiner of drivers may suspend any driver’s license without hearing when the examiner ~~[has]~~:

- (1) Has reasonable cause to believe that the licensee is incompetent to operate the type of motor vehicle for which the licensee holds a license or is afflicted with mental or physical infirmities or disabilities which would make it unsafe for the licensee to operate a motor vehicle of the type for which the licensee is licensed~~[-];~~ or
- (2) Is notified by the appropriate county director of finance that the licensee has outstanding charges and fines relating to the disposition of an abandoned vehicle, as provided pursuant to section 290-___.

(b) When the examiner of drivers suspends a license under this section, the examiner shall immediately notify the licensee and afford the licensee a hearing. After the hearing, the examiner of drivers may rescind the suspension, or the examiner may suspend the license for a further period or revoke the license. Any person whose license has been suspended or revoked under this section may appeal under section 286-129.”

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect upon its approval.
(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the Kalaupapa Memorial.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the design, planning, and construction of the Kalaupapa memorial.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 2. This Act shall take effect on July 1, 2022.
(Approved June 29, 2022.)

ACT 231

S.B. NO. 2076

A Bill for an Act Relating to Broadband Service Infrastructure.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the provision of equitable and robust access to broadband continues to be among the State's most pressing challenges. Hawaii needs to invest in open access, carrier-neutral cable landing infrastructure to attract transpacific fiber optic cable companies and expand its fiber connectivity to the world and throughout the islands, particularly in rural, underserved, and unserved communities, to achieve the digital equity necessary to build a resilient digital economy. Attracting partners with the necessary technical expertise and resources can develop Hawaii into a strategic communications and knowledge hub in the Pacific. This hub would incorporate a robust global communications network and provide cloud platforms to establish next generation applications, such as artificial intelligence and smart communities, in Hawaii.

The legislature further finds that to build a robust broadband infrastructure, the State must act quickly to take advantage of various federal and private funds available this year. For example, the 2021 federal Consolidated Appropriations Act earmarks:

- (1) At least \$30,000,000 for the department of Hawaiian home lands;
- (2) \$3,200,000,000 nationally in an emergency broadband benefit for low-income Americans to become connected or remain connected to broadband;
- (3) \$250,000,000 nationally for a new telehealth pilot program;
- (4) \$300,000,000 for a national grant program to fund broadband in rural areas; and
- (5) \$65,000,000 for the improvement of the nation's broadband maps.

The legislature notes that the first phase of deployment of these federal funds, in part, supports the South American Pacific Link, a transpacific fiber cable project that would connect Hawaii to South America, Central America, and the east coast of the continental United States. Additionally, over \$100,000,000 is available from the United States Department of Transportation Federal Highway Administration to address the broadband capacity to support telecommuting through pilot projects focused on building broadband infrastructure.

Accordingly, the purpose of this Act is to ensure that the State takes full advantage of available funds to build and maintain the broadband infrastructure necessary to sustain interconnectivity throughout islands by:

- (1) Requiring the University of Hawaii and Hawaii broadband and digital equity office to convene a working group;
- (2) Appropriating funds to the Hawaii broadband and digital equity office for three full-time equivalent (3.0 FTE) administrative positions for the operation and administration of the Hawaii broadband and digital equity office; and
- (3) Appropriating federal funds to the University of Hawaii for the planning and implementation of a statewide broadband initiative.

SECTION 2. (a) The University of Hawaii and Hawaii broadband and digital equity office shall jointly convene a working group to determine the appropriate governance structure to implement, operate, and maintain broadband infrastructure development in the State.

(b) The working group shall consist of the following members, or their designees:

- (1) The president of the University of Hawaii, who shall serve as co-chair;

- (2) The strategic broadband coordinator, who shall serve as co-chair;
- (3) The director of finance;
- (4) The director of commerce and consumer affairs;
- (5) The comptroller;
- (6) The director of business, economic development, and tourism;
- (7) The director of health;
- (8) The superintendent of education;
- (9) The chairperson of the Hawaiian homes commission; and
- (10) The mayors of the counties.

(c) The co-chairs of the working group shall invite the following individuals to become members of the working group:

- (1) The governor;
- (2) The State’s congressional delegation;
- (3) Representatives from private sector partners; and
- (4) Others as recommended by the working group.

(d) The working group shall:

- (1) Provide recommendations for an appropriate governing body to oversee and maintain the State’s strategic broadband infrastructure assets;
- (2) Consider the technical, operational, maintenance, and financial sustainability of broadband infrastructure development for services that are robust, resilient and affordable;
- (3) Consult with subject matter experts in finance, telecommunications, regulatory bodies, and any other areas as it deems necessary; and
- (4) Identify revenue sources to sustain the operation and maintenance costs of broadband infrastructure and assets, including landing fees, fiber cross-connects, and indefeasible rights of use for terrestrial fiber.

(e) Members of the working group shall serve without compensation but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses. No member of the working group shall be subject to chapter 84, Hawaii Revised Statutes, solely because of the member’s participation in the working group.

(f) The working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$360,000 or so much thereof as may be necessary for fiscal year 2022-2023 for three full-time equivalent (3.0 FTE) administrative positions, exempt from chapter 76, Hawaii Revised Statutes, for the operation and administration of the Hawaii broadband and digital equity office.

The sum appropriated shall be expended by the Hawaii broadband and digital equity office for the purposes of this Act.

SECTION 4. There is appropriated out of the funds received by the State of Hawaii from the American Rescue Plan Act of 2021, Public Law 117-2 (Section 9901), the sum of \$200,000,000¹ or so much thereof as may be necessary for fiscal year 2022-2023 for the planning and implementation of a state-wide broadband initiative.

The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 30, 2022.)

Note

1. Item vetoed, replaced, and initialed “DYI”.

ACT 232

S.B. NO. 2214

A Bill for an Act Relating to Digital Literacy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, according to a 2015 report by the Association of Library Service to Children, library services increasingly center on digital tools and media. In 2015, seventy-five per cent of households owned some form of digital media device. However, guidance and knowledge on the use of digital media are often lacking. Providing parents and children with a deeper understanding of the digital tools available to them is essential to the well-being of families in the twenty-first century.

The legislature further finds that digital literacy skills are crucial for career success in the twenty-first century. According to a Brookings Institution report from 2017, workplaces across the country and globe have undergone a rapid process of digitization. The percentage of workplaces with high levels of digital content has grown dramatically in recent years, while the percentage of workplaces that rely on a lower level of digital content has decreased by a similarly dramatic margin. While digitization offers advantages to digitally literate individuals, it also increases barriers for members of the public who lack digital skills. Increasing digital literacy among members of the public would increase their competitiveness in an economy increasingly defined by the ability to use digital tools.

The purpose of this Act is to increase access to digital tools and promote digital literacy by establishing a digital literacy program to be administered by the board of education through the state librarian.

SECTION 2. Chapter 312, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§312- Digital literacy program. (a) The board of education, through the state librarian, shall:

- (1) Provide for the establishment and ongoing operation of a digital literacy program for the public libraries in the State; and
- (2) Provide coordination and facilitation of the activities of digital literacy service providers and digital literacy programs in the public, private, and volunteer sectors.
- (b) The objectives of the digital literacy program shall be to provide programmatic activities promoting digital learning in the community by providing digital skill building opportunities that aim to improve:
 - (1) Knowledge and skills in digital literacy;
 - (2) Knowledge and skills in the use of digital education tools and platforms; and
 - (3) Knowledge, skills, and the use of digital education tools and platforms to make digital technology accessible to individuals with disabilities.
- (c) The digital literacy program shall not affect existing department of education programs relating to adult education as provided under sections 302A-432 to 302A-435.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment and administration of the digital literacy program established by this Act.

ACT 233

The sum appropriated shall be expended by the Hawaii state public library system for the purposes of this Act.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 30, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 233

S.B. NO. 2184

A Bill for an Act Relating to Digital Learning.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that digital learning will continue to be a critical component of education in the twenty-first century. Digital learning also has the potential to promote the equitable delivery of high-quality educational offerings to students statewide. The legislature further finds that the department of education needs a comprehensive and dedicated operation to manage the quality and delivery of digital learning services.

The purpose of this Act is to establish a digital learning center within the department of education and appropriate funds to staff and administer the digital learning center.

SECTION 2. Chapter 302A, part II, subpart C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- Digital learning center. There is established within the department a digital learning center. The purpose of the digital learning center shall be to:

- (1) Improve the quality and delivery of digital learning services throughout the public school system;
- (2) Provide resources and services that help students develop and improve their digital literacy skills; and
- (3) Provide resources and services to promote safe computing practices.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$7,099,062.57 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of establishing a digital learning center, including but not limited to facilities, equipment, properties, operating expenses, and personnel.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 30, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 234

S.B. NO. 2479

A Bill for an Act Relating to Broadband Infrastructure.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 356D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§356D- **Broadband infrastructure.** (a) Each public housing project or state low-income housing project that is built or reconstructed after January 1, 2023, shall be built or reconstructed with all broadband infrastructure that is necessary for tenants to have access to broadband service.

(b) As used in this section:

“Broadband infrastructure” has the same meaning as in section 440J-1.

“Broadband service” has the same meaning as “broadband access or broadband service” in section 440J-1. “Broadband service” does not include wireless network infrastructure or facilities used to provide wireless services over a licensed spectrum.

“State low-income housing project” has the same meaning as in section 356D-51.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved June 30, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 235

H.B. NO. 2512

A Bill for an Act Relating to Ohana Zones.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that homelessness remains a chronic issue in Hawaii. The legislature further finds that the ohana zones pilot program, established under Act 209, Session Laws of Hawaii 2018, and Act 128, Session Laws of Hawaii 2019, has thus far been effective at serving its intended purpose of providing housing and critical services to the State’s homeless population. This pilot program, however, is set to expire on June 30, 2023.

The legislature also finds that on December 6, 2018, the governor issued an emergency proclamation related to homelessness for establishing long-term housing, temporary shelter, and services to divert homeless individuals from frequent utilization of the health care and criminal justice systems, and to facilitate contracting for these programs, housing, shelter, and services. The emergency proclamation, which was followed by supplementary proclamations, has since ended. However, the legislature finds that the housing and homeless crisis in the State, which was exacerbated during the coronavirus 2019 pandemic, persists. The expansion of regulatory exemptions for ohana zones pilot program con-

tracts is therefore needed to enable the State to address the immediate temporary housing and service needs of individuals experiencing homelessness.

The purpose of this Act is to improve the health and well-being of individuals experiencing homelessness and provide these individuals with needed services through the ohana zones pilot program by:

- (1) Permitting persons receiving accommodations or services from an ohana zone site to request a ninety-day extension of the accommodations or services;
- (2) Exempting the ohana zones pilot program from certain statutory requirements contained in the governor's emergency proclamation of December 14, 2018, relating to homelessness, as those exemptions have since lapsed;
- (3) Extending the ohana zones pilot program to June 30, 2026; and
- (4) Appropriating funds for the pilot program for fiscal year 2022-2023.

SECTION 2. Act 209, Session Laws of Hawaii 2018, section 3, as amended by Act 128, Session Laws of Hawaii 2019, section 1, is amended by amending subsection (d) to read as follows:

“(d) The ohana zones pilot program may provide the following facilities and services at each ohana zone site:

- (1) Secure dwelling spaces that:
 - (A) May be private or communal;
 - (B) Have access to toilets, showers, and other hygiene facilities; and
 - (C) Have access to an area for food storage and meal preparation;
- (2) Medical and social support services; and
- (3) Transportation to appointments related to medical care or supportive services that are not available onsite[-];

provided that a person receiving accommodations or services from an ohana zone site may request a ninety-day extension of the person's receipt of accommodations or services, subject to approval by the applicable ohana zone site and other eligibility criteria as determined by each ohana zone site.”

SECTION 3. Act 209, Session Laws of Hawaii 2018, section 4, as amended by Act 128, Session Laws of Hawaii 2019, section 1, is amended as follows:

1. By amending subsection (a) to read:

“(a) Contracts entered into by the agencies designated by the governor pursuant to the ohana zones pilot program shall be exempt from the requirements of chapters 6E, excluding section 6E-43.6; 46, excluding sections 46-1.5(5)(D), 46-1.5(14)(A)(iii), 46-88(c)(5), and 46-88(j); 103D [and]; 103F[-]; and 343, Hawaii Revised Statutes[-]; provided that no contract entered into pursuant to the ohana zones pilot program or structures constructed thereunder shall be exempt from county, state, or federal floodplain management development standards, or statutes, codes, ordinances, rules, or regulations with which compliance is required under the National Flood Insurance Program.”

2. By amending subsection (f) to read:

“(f) The pilot program shall cease to exist on June 30, ~~[2023-]~~ 2026.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$15,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the ohana zones pilot program established pursuant to Act 209, Session Laws of Hawaii 2018, as amended by Act 128, Session

Laws of Hawaii 2019, including expenses relating to staffing, facility construction, provision of services, and administrative costs.

The sum appropriated shall be expended by the office of the governor for the purposes of this Act; provided that the governor shall transfer the expenditure authority to designated executive branch departments or agencies within a reasonable time.

The appropriation made by this Act for fiscal year 2022-2023 for the office of the governor shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all moneys from the appropriation that are unencumbered as of June 30, 2025, shall lapse as of that date.

Notwithstanding any other law to the contrary, the governor may transfer all or a portion of the appropriation in this section to the governor's designated executive branch agencies for expenditures incurred in implementing the ohana zones pilot program.

The governor's designated executive branch agencies may expend any appropriation transferred pursuant to this section for the performance of its duties under the ohana zones pilot program.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 1, 2022.)

ACT 236

S.B. NO. 3048

A Bill for an Act Relating to State Funds.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that the Hawaii housing finance and development corporation has legacy funds within the rental housing revolving fund that are derived from tax-exempt general obligation bond proceeds. These tax-exempt funds have limited usefulness for affordable rental housing development because under United States Treasury regulations, tax-exempt funds cannot be used to finance projects that also use low-income housing tax credits as there can only be one tax-exempt financing source per project. However, under United States Treasury regulations, tax-exempt bond proceeds can be used for public infrastructure projects. Financing of public infrastructure projects is an allowable use of the Hawaii housing finance and development corporation's dwelling unit revolving fund, but not the rental housing revolving fund.

The legislature further finds that the tax-exempt general obligation bond proceeds in the rental housing revolving fund could be utilized if the funds were transferred to the dwelling unit revolving fund.

Therefore, the purpose of this part is to transfer tax-exempt general obligation bond funds from the rental housing revolving fund to the dwelling unit revolving fund.

SECTION 2. The director of finance is authorized to transfer tax-exempt general obligation bond proceeds and the interest that has accrued there-

on from the rental housing revolving fund to the dwelling unit revolving fund in an amount not to exceed \$45,000,000 for fiscal year 2022-2023.

PART II

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the rental housing revolving fund established in section 201H-202, Hawaii Revised Statutes.

SECTION 4. There is appropriated out of the rental housing revolving fund the sum of \$300,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of this part; provided that up to \$150,000,000 may be used for mixed-income rental projects or units in mixed-income rental projects targeted for individuals and families with incomes above sixty and at or below one hundred per cent of the median family income for the State of Hawaii.

The sum appropriated shall be expended by the Hawaii housing finance and development corporation for the purposes of this part; provided that the appropriation shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that any moneys not awarded as of June 30, 2023, may be used for other rental housing projects pursuant to paragraph 201H-202(e)(1), Hawaii Revised Statutes; provided further that all moneys from the appropriation that are unallotted as of June 30, 2024, shall lapse on that date.

PART III

SECTION 5. Section 201H-202, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) An amount from the fund, to be set by the corporation and authorized by the legislature, may be used for administrative expenses incurred by the corporation in administering the ~~[fund];~~ corporation’s housing finance programs; provided that fund moneys ~~may~~ shall not be used to finance day-to-day administrative expenses of projects allotted fund moneys.

(c) The following may be deposited into the fund: appropriations made by the legislature, conveyance taxes pursuant to section 247-7, private contributions, repayment of loans, interest, other returns, and moneys from other sources.”

PART IV

SECTION 6. There is established two full-time equivalent (2.0 FTE) housing finance specialist I positions (BED160HF) within the Hawaii housing finance and development corporation.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,594,000 or so much thereof as may be necessary for fiscal year 2022-2023 for computer software and hardware; information technology improvements; videoconferencing improvements; and scanning and digitization equipment, services, and warranties.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.

PART V

SECTION 8. From the American Rescue Plan funds appropriation for disease outbreak control (HTH131), as appropriated in House Bill No. 1600, H.D. 1, S.D. 2, C.D. 1,¹ the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for the procurement of rapid antigen tests to detect coronavirus disease 2019, with preference given to procuring such tests that have received emergency use authorization from the United States Food and Drug Administration, and that were developed in the State of Hawaii.

PART VI

SECTION 9. In accordance with article VII, section 9, of the Hawaii State Constitution, and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained within this Act will cause the state general fund expenditures for fiscal year 2022-2023 to exceed the general fund expenditure ceiling by \$213,189,484, or 2.10 per cent. The general fund expenditure ceiling will be exceeded for the following reasons:

- (1) The appropriations made in this Act are necessary to serve the public interest; and
- (2) The appropriations made in this Act meet the needs addressed by this Act.

SECTION 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

SECTION 12. This Act shall take effect on July 1, 2022.

(Approved July 1, 2022.)

Note

1. Act 248.

ACT 237

H.B. NO. 2233

A Bill for an Act Relating to Temporary Assistance for Needy Families.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the temporary assistance for needy families program, or TANF, is a federally funded financial assistance program designed to help families in need achieve self-sufficiency. The temporary assistance for other needy families program, or TAONF, is a state funded program that mirrors the rules of TANF and is designed to assist Hawaii families with minor children who are not eligible to receive temporary assistance for needy families program benefits due to their citizenship. Both programs provide for sixty months of assistance, though most families in Hawaii participate in the programs for approximately twenty-four months. The funds appropriated for the temporary assistance for other needy families program make up a significant percentage of Hawaii's maintenance of effort required to receive federal program funds.

For both programs, recipients must participate in the first-to-work program as a condition of eligibility. The first-to-work program assists recipient families with obtaining employment through various educational and work-related activities. First-to-work program participants may be eligible for supportive services such as job readiness support, education and work-related expenses, and transportation assistance.

The legislature finds that under existing administrative rules for the first-to-work program, participants may receive a maximum housing allowance equal to sixty per cent of the household income. However, only a one-time payment in an amount not to exceed two months of rent is currently permitted.

The legislature further finds that of the \$98,000,000 block grant that the State receives each year for the temporary assistance for needy families program, approximately \$41,000,000 is encumbered. Approximately \$57,000,000 of the remaining balance is placed in a reserve account held for the State by the federal government.

The legislature finds that low-income residents participating in the first-to-work program likely need assistance to meet their housing costs. In December 2021, the United States Bureau of Labor Statistics reported that the average housing costs for Honolulu-area households are \$23,572 per year and account for 38.7 per cent of the area's household budget, compared to the 33.8 per cent United States average. Additionally, the National Low Income Housing Coalition ranked Hawaii as the state with one of the highest living wage needed to afford a two bedroom rental home. The Coalition estimates that twenty per cent of Hawaii's low income residents and sixty-nine per cent of severely low income residents pay more than fifty per cent of their household income for rent.

The legislature also finds that the 2021 median prices for single-family homes and condominiums in Hawaii are at record highs. Reports from the housing industry predict that rising home values have led property owners to consider selling, which may result in displacing long-term tenants and decrease the number of available rental units. With fewer available rental units, rents will likely increase.

The purpose of this Act is to authorize the department of human services to provide additional housing assistance subsidies to recipients of temporary assistance for needy families, or temporary assistance for other needy families, who are participants of the first-to-work program.

SECTION 2. Section 346-261, Hawaii Revised Statutes, is amended to read as follows:

“§346-261 First-To-Work; establishment; purpose. (a) There is established a mandatory work program for certain applicants and recipients of temporary assistance for needy families and temporary assistance for other needy families consistent with federal regulations and requirements under title [IV-A] IV, part A of the Social Security Act, title 42 United States Code section 601 et seq. The purposes of the first-to-work program shall be to encourage, assist, and require temporary assistance for needy families and temporary assistance for other needy families applicants and recipients to fulfill their responsibilities to support their children by preparing for, accepting, and retaining employment. The department shall adopt rules consistent with the requirements of title [IV-A] IV, part A of the Social Security Act, title 42 United States Code section 601 et seq., and in accordance with chapter 91 for the purposes of this part.

(b) The department may provide housing assistance subsidies of up to \$500 per month to eligible households receiving benefits under the temporary assistance for needy families or temporary assistance for other needy families programs during the household's participation in the first-to-work program.

Any plan developed pursuant to section 346-51.5 for expenditure of temporary assistance for needy families funds shall be updated to account for expenditures for housing assistance subsidies. The expenditure of funds for the administration of housing assistance subsidies shall be exempt from chapters 103D and 103F.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 1, 2022.)

ACT 238

H.B. NO. 1800

A Bill for an Act Relating to Climate Mitigation.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that climate change is the overriding challenge of the twenty-first century. Climate change poses immediate and long-term threats to Hawaii’s economy, public health, natural resources, environment, and way of life.

The legislature further finds that numerous measures were passed in recent decades to address climate change and reduce the State’s contribution to climate-warming greenhouse gas emissions. In the regular session of 2021, Senate Concurrent Resolution No. 44, S.D. 1, H.D. 1, was adopted, making Hawaii the first state in the nation to declare a climate emergency and calling for a state-wide commitment to a decarbonized economy. Through Act 74, Session Laws of Hawaii 2021, the legislature set a goal to transition all light-duty state fleet vehicles to be zero-emissions by 2035. Act 15, Session Laws of Hawaii 2018, established a zero emissions clean economy target for the State to sequester more atmospheric carbon and greenhouse gases than emitted by no later than 2045. With Act 97, Session Laws of Hawaii 2015, a one hundred per cent renewable portfolio standard for electric utilities was established, requiring one hundred per cent of the State’s electricity to be generated from renewable energy sources by 2045, making Hawaii the first state to set out to eliminate fossil fuels from the electric grid.

The legislature additionally finds that fifteen years ago, Act 234, Session Laws of Hawaii 2007, was passed, which established a goal to reduce state-wide greenhouse gas emissions to below 1990 levels by 2020. The 2020 goal was achieved, but it is notable that there are no decarbonization targets in Hawaii law until 2045, which is twenty-three years into the future. The legislature believes that it is imperative to continue to build on Hawaii’s momentum in its climate mitigation efforts by establishing near-term decarbonization targets.

The legislature further finds that the Biden-Harris administration set a nationally determined contribution pursuant to Article 4 of the Paris Agreement for the United States to achieve a fifty to fifty-two per cent reduction in economy-wide greenhouse gas emissions by 2030 compared to 2005 levels. The National Climate Advisor and the White House Office of Domestic Climate Policy, in consultation with the relevant departments and agencies across the federal government, conducted a detailed analysis to set this 2030 target, reviewing a range of pathways for each sector of the economy that produces greenhouse gas emissions, including electricity, transportation, buildings, industry, and the land

sector. As the United States’ national determined contribution is consistent with the Paris Agreement goal of holding the increase in the global average temperature to below two degrees Celsius above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius, the State should similarly align its climate policy and decarbonization planning. Furthermore, Act 32, Session Laws of Hawaii 2017, affirmed the State’s commitment to uphold the landmark goals of the Paris Agreement, by stating the “policies to reduce greenhouse gas emissions shall be closely aligned with the climate change principals and goals adopted in the Paris Agreement and Hawaii’s obligations within the expectations apportioned to the United States in the Paris Agreement”.

The legislature also finds that, as the State progresses toward a fully decarbonized economy, the challenges of addressing hard-to-decarbonize sectors will also increase. In order to achieve the goal of a fully decarbonized economy, the State needs to plan ahead and understand the steps that need to be taken to create a carbon-negative economy by 2045, as required by Act 15, Session Laws of Hawaii 2018.

Therefore, the purpose of this Act is to:

- (1) Establish a goal for the statewide greenhouse gas emissions limit to be at least fifty per cent below 2005 levels by 2030; and
- (2) Require and appropriate funds for the Hawaii state energy office to conduct a study to determine Hawaii’s pathway to decarbonization and identify challenges, opportunities, and actions that will be needed to achieve those goals.

PART II

SECTION 2. Section 225P-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Considering both atmospheric carbon and greenhouse gas emissions as well as offsets from the local sequestration of atmospheric carbon and greenhouse gases through long-term sinks and reservoirs, a statewide target is hereby established to sequester more atmospheric carbon and greenhouse gases than emitted within the State as quickly as practicable, but no later than 2045[-]; provided that the statewide target includes a greenhouse gas emissions limit, to be achieved no later than 2030, of at least fifty per cent below the level of the statewide greenhouse gas emissions in 2005.”

SECTION 3. Section 342B-71, Hawaii Revised Statutes, is amended to read as follows:

“~~§342B-71~~ **Statewide greenhouse gas emissions limit, adoption.** (a) A statewide greenhouse gas emissions limit to be achieved by 2020 is hereby established that is equal to or below the level of the statewide greenhouse gas emissions in 1990, as determined by section 3 of Act 234, Session Laws of Hawaii 2007; provided that for the purposes of this Act greenhouse gas emissions from airplanes shall not be included.

(b) The director shall submit a report to the legislature by December 31, 2023, indicating a measurement of the 2005 greenhouse gas emissions in the State, including emissions from airplanes.

(c) The director shall complete a greenhouse gas emissions inventory report each year beginning after 2017 to track emissions and determine the State’s progress in the reduction of greenhouse gas emissions. The department shall make these reports widely accessible, including to the public, as soon as they are available.”

PART III

SECTION 4. (a) The Hawaii state energy office shall analyze pathways and develop recommendations for achieving the State's economy-wide decarbonization goals, including the statewide greenhouse gas emissions limit and goal to sequester more atmospheric carbon and greenhouse gases than emitted by no later than 2045 pursuant to section 225P-5, Hawaii Revised Statutes.

(b) As part of its analysis and development of recommendations, the Hawaii state energy office shall:

- (1) Recommend regulatory or other state actions that will ensure the attainment of the State's decarbonization goals;
- (2) Include measures to reduce emissions from electricity, including accelerating the adoption of clean energy and improving energy efficiency for residential, commercial, and government users;
- (3) Include land use and transportation planning measures aimed at reducing emissions from the transportation sector;
- (4) Recommend state actions to address emissions associated with air travel and shipping, including how to encourage electrification and adoption of alternative fuels;
- (5) Recommend best management practices in the agricultural sector;
- (6) Include long-term carbon sequestration and carbon capture and utilization opportunities;
- (7) Make recommendations to aid in the transition of the state workforce to meet the needs of a decarbonized economy;
- (8) Consider impacts to environmental justice, frontline, and low-income communities and make recommendations for how to mitigate any impacts to these communities and to facilitate a just transition to a decarbonized economy;
- (9) Determine the most cost-effective pathway to decarbonization;
- (10) Rank recommendations based on level of impact, cost, and ease of implementation;
- (11) Make recommendations on whether the goals established pursuant to section 225P-5, Hawaii Revised Statutes, should be adjusted, or if additional interim goals between the completion of the analysis and 2045 should be adopted;
- (12) Examine contributions of different carbon sources, how each source can be reduced, what entities are responsible for the reduction of each source, and how each source factors into the determination of statewide greenhouse gas reduction goals; and
- (13) Include other relevant considerations as deemed appropriate and necessary.

(c) In preparing the analysis, the Hawaii state energy office shall consult and collaborate with other state agencies, the counties, and relevant stakeholders and organizations.

(d) The Hawaii state energy office shall submit a report of its analysis and recommendations to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 5. There is appropriated out of the energy security special fund the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the Hawaii state energy office to analyze pathways and develop recommendations for achieving the State's economy-wide decarbonization goals, as required pursuant to section 4 of this Act.

The sum appropriated shall be expended by the Hawaii state energy office for the purposes of this part.

PART IV

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved July 5, 2022.)

ACT 239

H.B. NO. 1801

A Bill for an Act Relating to Energy Efficiency.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that energy efficiency is the most cost-effective way to reduce emissions associated with electricity generation and consumption. The legislature further finds that maximizing efficiency and thereby reducing demand for power generation is a necessary component of reaching the State's goal of one hundred per cent renewable energy by 2045. Energy used to power buildings accounts for more than fifty per cent of the electricity consumed in the State, yet the State has not undertaken improvements for increased efficiency in many of its own facilities, forgoing millions of dollars in potential savings.

With one of the State's primary areas of focus being economic recovery and resilience in the wake of the coronavirus disease 2019, the legislature recognizes the importance of elevating Hawaii's growing clean energy industry, which can diversify the economy, create new jobs, contribute to workforce development, and help the State meet critical energy goals. The legislature also finds that it is imperative for all state agencies to control their energy usage and lower their utility bills in the interest of being responsible with taxpayer dollars. Energy efficiency is the first and most cost-effective step in smart energy management and should be prioritized by every state agency.

Implementing energy efficiencies in state agencies allows the State to lead by example when it comes to energy efficiency initiatives and energy efficient design for new construction, which maximize the savings of taxpayer dollars that would otherwise be spent on utility bills.

Act 122, Session Laws of Hawaii 2019 (Act 122), states that "efforts taken by universities, public schools, executive departments, and other government entities have already begun to save taxpayers money by reducing the government's electricity costs." However, those efforts lack statewide coordination, preventing economies of scale to maximize savings. While some departments have made substantial progress, others have yet to commence meaningful activities. Additionally, Act 122 further states, regarding the Hawaii state energy office, that "[t]asking a single agency to plan for energy savings measures across all public facilities and assist government entities already working to reduce energy costs is a necessary step to maximize taxpayer savings" and "[t]he legislature's intent is to establish in statute an energy agency . . . that will assist both the public and private sectors in achieving the State's energy goals." Consistent with this, the Hawaii state energy office is working with state agencies to assess opportunities to reach a target goal of a twenty-five per cent reduction in electricity consump-

tion by 2025, from a 2005 baseline year, through the energy efficiency in state building projects.

The purpose of this Act is to:

- (1) Require state facilities, with the exception of smaller facilities, to implement cost-effective energy efficiency measures;
- (2) Direct the Hawaii state energy office to collect all state-owned facilities' utility bill and energy usage data and make this data publicly available; and
- (3) Beginning July 1, 2023, require, where feasible and cost-effective, the design of all new state building construction to maximize energy and water efficiency and energy generation potential and to use building materials that reduce the carbon footprint of the project.

SECTION 2. Chapter 196, Hawaii Revised Statutes, is amended by adding two new sections to part II to be appropriately designated and to read as follows:

“§196- Energy efficiency implementation for state facilities. (a) State facilities shall implement cost-effective energy efficiency measures as follows:

- (1) Beginning on January 1, 2024, for all state facilities that have not implemented section 36-41 since 2010; and
- (2) Beginning on January 1, 2026, for all other state facilities;

provided that no entity shall claim tax credits or deductions, or depreciate assets under title 14 for implementing energy efficiency measures pursuant to this section; provided further that nothing in this subsection shall prohibit facilities from implementing energy efficiency measures sooner than indicated under paragraph (1) or (2).

(b) State facilities with an area under ten thousand square feet shall be exempt from the requirements of subsection (a).

(c) For purposes of this section:

“Cost-effective energy efficiency measure” means any energy efficiency measure where the cost of the energy efficiency measure is equal to or less than the estimated savings over a period of twenty years or the life of the installed components, whichever is less.

“Energy efficiency measure” means any energy services, projects, and equipment, including but not limited to building or facility energy conservation enhancing, demand management, or demand response retrofits, which may include energy saved offsite by water or other utility enhancing retrofits, to improve the energy efficiency or reduce energy costs of the facility.

§196- Utility bills and energy usage data; state-owned facilities. The Hawaii state energy office shall collect all utility bill and energy usage data for state-owned facilities monthly and shall make this information available in a publicly accessible format.”

SECTION 3. Section 107-27, Hawaii Revised Statutes, is amended to read as follows:

“§107-27 Design of state buildings. (a) No later than one year after the adoption of codes or standards pursuant to section 107-24(c), the design of all state building construction shall be in compliance with the Hawaii state building codes, except state building construction shall be allowed to be exempted from:

- (1) County codes that have not adopted the Hawaii state building codes;
- (2) Any county code amendments that are inconsistent with the minimum performance objectives of the Hawaii state building codes or the objectives enumerated in this part; or

- (3) Any county code amendments that are contrary to code amendments adopted by another county.
- (b) Exemptions shall include county ordinances allowing the exercise of indigenous Hawaiian architecture adopted in accordance with section 46-1.55.
- (c) The State shall consider hurricane resistant criteria when designing and constructing new public schools for the capability of providing shelter refuge.
- (d) Beginning July 1, 2023, where feasible and cost-effective, the design of all new state building construction shall:
 - (1) Maximize energy and water efficiency measures;
 - (2) Maximize energy generation potential; and
 - (3) Use building materials that reduce the carbon footprint of the project.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 5, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 240

H.B. NO. 2089

A Bill for an Act Relating to Renewable Portfolio Standards.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 97, Session Laws of Hawaii 2015, amended section 269-92, Hawaii Revised Statutes, to establish a one hundred per cent renewable portfolio standard by December 31, 2045, with the intent to transition the State away from imported fuels and toward renewable local resources that provide a secure source of affordable energy.

The legislature further finds that Act 15, Session Laws of Hawaii 2018, established a zero emissions clean economy target “to sequester more atmospheric carbon and greenhouse gases than emitted within the State as quickly as practicable, but no later than 2045”. Since the enactment of these acts, the need to reduce fossil fuel emissions globally to avoid the worst impacts of climate change has become increasingly urgent. In addition, studies indicate that accelerating the adoption of renewable energy will cost less than the course laid out by the current renewable portfolio standard interim benchmarks.

The legislature further finds that prioritizing the deployment of renewable energy projects will create thousands of jobs and position Hawaii at the forefront of energy innovation and investment.

The legislature also finds that the current calculation of the renewable portfolio standard, which is based on electrical energy sales rather than on electrical energy generation, overestimates the amount of renewable energy serving Hawaii’s electric utility customers and does not accurately reflect Hawaii’s prog-

ress towards its stated energy and climate goals. Two fundamental issues that have led to this current discrepancy are:

- (1) The current renewable portfolio standard calculation inflates the reported percentage of renewable energy by excluding customer-sited, grid-connected energy generation in the denominator, which becomes material with higher levels of customer-sited, grid-connected energy generation that is non-renewable; and
- (2) The current electrical energy sales number does not include energy losses that occur between the points of electrical energy generation and the customer meter, where sales are measured.

The legislature additionally finds that failure to address these issues creates an incorrect measure of the State's progress toward the stated goals. Also, the current definition of "renewable portfolio standard" allows for the continued use of fossil fuel in significant amounts even after reaching the target for 2045. According to the Power Supply Improvement Plan prepared by Hawaiian Electric Company in 2016, the one hundred per cent renewable portfolio standard level (with the current definition, based on sales) could theoretically be reached when only seventy-nine per cent of the electricity generated in the State is renewable, with the remaining twenty-one per cent still generated by fossil fuels. Changing the renewable portfolio standard to be based on generation, rather than sales, would ensure that a one hundred per cent renewable portfolio standard is achieved as intended.

Therefore, the purpose of this Act is to:

- (1) Amend the definition of "renewable portfolio standard" to more accurately reflect the percentage of renewable electrical energy generated in the State;
- (2) Expand the events or circumstances that are beyond an electric utility company's reasonable control to include non-renewable energy generated by electric generation facilities where the electric utility does not have direct control or ownership; and
- (3) Require electric utility companies to track and annually report data and trends on customer retention and attrition to further inform the calculation of the renewable portfolio standards.

SECTION 2. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

“§269- Annual report; electric utility company. Each electric utility company shall track and report to the public utilities commission, on an annual basis, data and trends regarding customer retention or attrition at a time and in a manner as prescribed by the commission.”

SECTION 3. Section 269-91, Hawaii Revised Statutes, is amended by amending the definition of "renewable portfolio standard" to read as follows:

““Renewable portfolio standard” means the percentage of electrical energy [sales] generation that is represented by renewable electrical energy[-], excluding customer-sited, grid connected generation that does not produce renewable energy.”

SECTION 4. Section 269-92, Hawaii Revised Statutes, is amended to read as follows:

“§269-92 Renewable portfolio standards. (a) Each electric utility company that sells electricity for consumption in the State shall establish a renewable portfolio standard of:

- (1) Ten per cent of its net electricity sales by December 31, 2010;
- (2) Fifteen per cent of its net electricity sales by December 31, 2015;
- (3) Thirty per cent of its net electricity sales by December 31, 2020;
- (4) Forty per cent of its net electricity [~~sales~~] generation by December 31, 2030;
- (5) Seventy per cent of its net electricity [~~sales~~] generation by December 31, 2040; and
- (6) One hundred per cent of its net electricity [~~sales~~] generation by December 31, 2045.

(b) The public utilities commission may establish standards for each electric utility company that prescribe [~~what~~] the portion of the renewable portfolio standards that shall be met by specific types of renewable energy resources; provided that:

- (1) [~~Prior to~~] Before January 1, 2015, at least fifty per cent of the renewable portfolio standards shall be met by electrical energy generated using renewable energy as the source, and after December 31, 2014, the entire renewable portfolio standard shall be met by electrical generation from renewable energy sources;
- (2) Beginning January 1, 2015, electrical energy savings shall not count toward renewable energy portfolio standards;
- (3) Where electrical energy is generated or displaced by a combination of renewable and nonrenewable means, the proportion attributable to the renewable means shall be credited as renewable energy; and
- (4) Where fossil and renewable fuels are co-fired in the same generating unit, the unit shall be considered to generate renewable electrical energy (electricity) in direct proportion to the percentage of the total heat input value represented by the heat input value of the renewable fuels.

(c) If the public utilities commission determines that an electric utility company failed to meet the renewable portfolio standard, after a hearing in accordance with chapter 91, the utility shall be subject to penalties to be established by the public utilities commission; provided that if the commission determines that the electric utility company is unable to meet the renewable portfolio standards [~~due to~~] because of reasons beyond the reasonable control of [~~an~~] the electric utility[~~]~~ company, as set forth in subsection (d), the commission, in its discretion, may waive in whole or in part any otherwise applicable penalties.

(d) Events or circumstances that are [~~outside of~~] beyond an electric utility company's reasonable control may include, to the extent the event or circumstance could not be reasonably foreseen and ameliorated:

- (1) Weather-related damage;
- (2) Natural disasters;
- (3) Mechanical or resource failure;
- (4) Failure of renewable electrical energy producers to meet contractual obligations to the electric utility company;
- (5) Labor strikes or lockouts;
- (6) Actions of governmental authorities that adversely affect the generation, transmission, or distribution of renewable electrical energy under contract to an electric utility company;
- (7) Inability to acquire sufficient renewable electrical energy due to lapsing of tax credits related to renewable energy development;
- (8) Inability to obtain permits or land use approvals for renewable electrical energy projects;
- (9) Inability to acquire sufficient cost-effective renewable electrical energy;

- (10) Inability to acquire sufficient renewable electrical energy to meet the renewable portfolio standard goals beyond 2030 in a manner that is beneficial to Hawaii's economy in relation to comparable fossil fuel resources;
- (11) Substantial limitations, restrictions, or prohibitions on utility renewable electrical energy projects; ~~and~~
- (12) Non-renewable energy generated by electric generation facilities where the electric utility company otherwise does not have direct control or ownership of independent power producers, government and non-government agencies, and any persons or entities, including merchant or co-generation facilities; and
- (13) Other events and circumstances of a similar nature.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2022.

(Approved July 5, 2022.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 241

S.B. NO. 2570

A Bill for an Act Relating to Zero Emission Vehicle Fueling Rebates.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§269- Zero-emission vehicle fueling system rebate program. (a) The public utilities commission, in consultation with zero-emission vehicle stakeholders and the Hawaii state energy office, shall administer a zero-emission vehicle fueling system rebate program that incentivizes the installation or upgrade of a zero-emission vehicle fueling system, as provided in this section, and may contract with a third-party administrator pursuant to section 269-73 to operate and manage the rebate program.

(b) An applicant may be eligible for a rebate under the rebate program if the applicant installs a hydrogen fueling system; provided that it stores or dispenses only renewable hydrogen.

(c) Rebates shall be distributed for each eligible installation of a zero-emission vehicle fueling system as follows:

- (1) \$200,000 for the installation of a hydrogen fueling system; provided that it stores or dispenses only renewable hydrogen; and
- (2) \$200,000 for the upgrade of fuel capacity for a hydrogen fueling system; provided that it stores or dispenses only renewable hydrogen.
- (d) The public utilities commission shall:

- (1) Prepare any forms that may be necessary for an applicant to claim a rebate pursuant to this section; and
- (2) Require each applicant to furnish reasonable information to ascertain the validity of the claim, including but not limited to documentation necessary to demonstrate that the installation or upgrade for which the rebate is claimed is eligible.

(e) This section shall apply to hydrogen fueling systems that are installed or upgraded after December 31, 2022.

(f) Applicants shall submit applications to the public utilities commission within twelve months of the date that the newly installed or upgraded hydrogen fueling system is placed into service to claim a rebate from the zero-emission vehicle fueling system rebate program. Failure to apply to the commission within twelve months of the date that the newly installed or upgraded hydrogen fueling system is placed into service shall constitute a waiver of the right to claim the rebate.

(g) Nothing in this section shall alter taxes due on the original purchase or upgrade price of a hydrogen fueling system prior to the application of the rebate. Any rebate received pursuant to the zero-emission vehicle fueling system rebate program shall not be considered income for the purposes of state or county taxes.

(h) In administering the zero-emission vehicle fueling system rebate program, the public utilities commission shall give priority to hydrogen fueling systems that are publicly available, serve multiple tenants, employees, or customers, or serve electric vehicle fleets.

(i) For the purposes of this section:

“Applicant” means an individual; non-profit or for-profit corporation; local, state, or federal government agency; homeowner association; or any other eligible entity as defined under rules adopted for the zero-emission vehicle fueling system rebate program.

“Renewable hydrogen” means hydrogen produced entirely from renewable sources that have a life cycle emissions of not more than fifty grams of carbon dioxide per kilowatt hour.

“Zero-emission vehicle fueling system” means a hydrogen fueling system that stores and dispenses only renewable hydrogen.”

SECTION 2. Section 243-3.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to any other taxes provided by law, subject to the exemptions set forth in section 243-7, there is hereby imposed a state environmental response, energy, and food security tax on each barrel or fractional part of a barrel of petroleum product sold by a distributor to any retail dealer or end user of petroleum product, other than a refiner. The tax shall be \$1.05 on each barrel or fractional part of a barrel of petroleum product that is not aviation fuel; provided that of the tax collected pursuant to this subsection:

- (1) 5 cents of the tax on each barrel shall be deposited into the environmental response revolving fund established under section 128D-2;
- (2) 4 cents of the tax on each barrel shall be deposited into the energy security special fund established under section 201-12.8;
- (3) [8] 5 cents of the tax on each barrel shall be deposited into the energy systems development special fund established under section 304A-2169.1; ~~and~~

[4] 3 cents of the tax on each barrel shall be deposited into the electric vehicle charging system subaccount established pursuant to section 269-33(e)[-]; ~~and~~

- (5) 3 cents of the tax on each barrel shall be deposited into the hydrogen fueling system subaccount established pursuant to section 269-33(f).

The tax imposed by this subsection shall be paid by the distributor of the petroleum product.”

SECTION 3. Section 269-33, Hawaii Revised Statutes, is amended to read as follows:

“**§269-33 Public utilities commission special fund.** (a) There is established in the state treasury a public utilities commission special fund to be administered by the public utilities commission. The proceeds of the fund shall be used by the public utilities commission and the division of consumer advocacy of the department of commerce and consumer affairs for all expenses incurred in the administration of chapters 269, 271, 271G, 269E, and 486J, and for costs incurred by the department of commerce and consumer affairs to fulfill the department’s limited oversight and administrative support functions; provided that the expenditures of the public utilities commission shall be in accordance with legislative appropriations. On a quarterly basis, an amount not exceeding thirty per cent of the proceeds remaining in the fund after the deduction for central service expenses, pursuant to section 36-27, shall be allocated by the public utilities commission to the division of consumer advocacy and deposited in the compliance resolution fund established pursuant to section 26-9(o); provided that all moneys allocated by the public utilities commission from the fund to the division of consumer advocacy shall be in accordance with legislative appropriations.

(b) All moneys appropriated to, received, and collected by the public utilities commission that are not otherwise pledged, obligated, or required by law to be placed in any other special fund or expended for any other purpose shall be deposited into the public utilities commission special fund including, but not limited to, all moneys received and collected by the public utilities commission pursuant to sections 92-21, 243-3.5, 269-28, 269-30, 271-27, 271-36, 271G-19, 269E-6, 269E-14, and 607-5.

(c) The public utilities commission shall submit an update as part of its annual report submitted pursuant to section 269-5 detailing all funds received and all moneys disbursed out of the fund.

(d) All moneys in excess of \$1,000,000 remaining on balance in the public utilities commission special fund on June 30 of each year shall lapse to the credit of the state general fund; provided that this ceiling shall not apply to the subaccount established in ~~subsection~~ subsections (e)[-] and (f).

(e) There is established within the public utilities commission special fund an electric vehicle charging system subaccount. The public utilities commission shall expend moneys in the subaccount for the purposes of funding the electric vehicle charging system rebate program established pursuant to sections 269-72 and 269-73. The funds in this subaccount shall not be subject to the special fund ceiling in subsection (d).

(f) There is established within the public utilities commission special fund a hydrogen fueling system subaccount. The public utilities commission shall expend moneys in the subaccount for the purposes of funding the zero-emission vehicle fueling system rebate program established pursuant to section 269- . The funds in this subaccount shall not be subject to the special fund ceiling in subsection (d).”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved July 5, 2022.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 242

H.B. NO. 1775

A Bill for an Act Relating to Civil Rights.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that 2022 is the fiftieth anniversary of the Patsy Takemoto Mink Equal Opportunity in Education Act, otherwise known as Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or simply “Title IX”. Hawaii is proud of Congresswoman Mink’s signature legislation, which has given millions of girls and women educational opportunities that were undreamed of before the enactment of Title IX, in the classroom and on the playing field; in research, teaching, and graduate schools; and in science, medicine, law, and other professions.

The legislature finds that Act 110, Session Laws of Hawaii 2018, created a state corollary to Title IX by prohibiting discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program or activity, or in any educational program or activity that receives state financial assistance. The purpose of Act 110 was to address the weakening of federal Title IX protections for victims of sex discrimination and harassment. The legislature created a high standard in state law to avoid the erosion and shifts in interpretation by the federal government, as between the Obama and Trump administrations. Similar to other civil rights laws in Hawaii, the federal law is a “floor” beneath which state protections against discrimination cannot drop, rather than a “ceiling” above which state law protections cannot rise. *California Federal Savings and Loan Association v. Guerra*, 479 U.S. 272, 285 (1987). Pursuant to the exclusive jurisdiction of the legislature to identify laws of statewide concern, granted under article X, section 6, of the Hawaii State Constitution, the legislature additionally finds that ensuring the prohibition of discrimination on the basis of sex, including gender identity or expression, or sexual orientation, is a matter of statewide concern.

In order to preserve Congresswoman Mink’s intent to provide equal opportunity in education, further clarification of section 368D-1, Hawaii Revised Statutes, is required, as well as annual data reporting from the University of Hawaii, the department of education, and state public charter school commission, to ensure that the needs of victims of unlawful sex-based discrimination, including sexual harassment, gender-based harassment, and sexual assault, are properly addressed.

Accordingly, the purpose of this Act is to:

- (1) Require annual reporting by the University of Hawaii, the department of education, and state public charter school commission to the legislature on the number and types of Title IX cases and other relevant information; and
- (2) Appropriate funds to the department of education for equity training.

SECTION 2. Chapter 368D, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§368D- Purpose; scope; construction. (a) The purpose of this chapter is to provide a framework for the state law corollary to Title IX that is established by section 368D-1.

(b) Nothing in this chapter shall be construed to prohibit:

- (1) The membership practices of social fraternities or sororities or voluntary youth service organizations, as set forth in title 20 United States Code section 1681(a)(6), as that section was in effect on January 1, 2019;
- (2) Any educational institution receiving state funds from maintaining separate living facilities for different sexes, as set forth in title 20 United States Code section 1686, as that section was in effect on January 1, 2019; or
- (3) An educational institution from administering, or assisting in administering a scholarship, fellowship, or other form of financial assistance pursuant to a domestic or foreign will, trust, bequest, or similar instrument that requires awards to be made to members of a particular sex specified therein; provided that the overall effect of sex-restricted financial assistance shall not discriminate on the basis of sex, as set forth in title 34 Code of Federal Regulations section 106.37(b)(1), as that section was in effect on January 1, 2019.

§368D- Definitions. As used in this chapter:

“Covered educational program or activity” means:

- (1) The University of Hawaii, the department of education, or public charter schools; or
- (2) Any educational program or activity that receives state financial assistance, in any amount, for any purpose; provided that this term does not exclude an educational program or activity that also receives federal funds.

“Covered entity” means an entity having a covered educational program or activity.

“Educational program or activity” means an educational program or activity provided by or under a:

- (1) Private school that teaches students in any grade from kindergarten through grade twelve and that is licensed or accredited by the Hawaii Association of Independent Schools, Hawaii Council of Private Schools, Western Association of Schools and Colleges, Western Catholic Educational Association, Association of Christian Schools International, or a similarly recognized entity that meets or exceeds the standards set by the aforementioned entities;
- (2) Private trade, vocational, or technical schools, as defined in section 302A-101; or
- (3) Private university or college.

“Title IX” refers to the federal Education Amendments of 1972, codified as title 20 United States Code section 1681 et seq.

§368D- Annual report to legislature. No later than September 1 of each year, the University of Hawaii, department of education, and state public charter school commission shall submit to the legislature a report that includes information pertaining to the immediately preceding school year, as follows:

- (1) The University of Hawaii shall include in its report to the legislature:

- (A) The total number of complaints alleging a violation of this chapter or Title IX that were received by the university, and the number of complaints received in each of the following categories:
 - (i) The number of complaints received at each campus of the university;
 - (ii) The types of complaints, including but not limited to sexual harassment, gender-based harassment, sexual assault, domestic violence, or stalking; and
 - (iii) The number of confidential complaints, informal complaints, and formal complaints, as applicable;
 - (B) Of the total number of complaints for each campus reported under subparagraph (A), the number of complaints involving:
 - (i) A student complainant and a student respondent;
 - (ii) A student complainant and an employee respondent;
 - (iii) An employee complainant and an employee respondent; and
 - (iv) An employee complainant and a student respondent;
 - (C) Of the total number of complaints for each campus reported under subparagraph (A), the number of complaints in which:
 - (i) An investigation was commenced but a decision has not yet been rendered;
 - (ii) An investigation was completed and a decision was rendered; and
 - (iii) A party has filed an appeal, and the appeal is pending;
 - (D) The percentage of employees at each campus of the university who have completed a training course on the university's Title IX policies and procedures, and on any other policies and procedures adopted by the university in accordance with this chapter; and
 - (E) The percentage of students enrolled at each campus of the university who have completed a training course on the university's Title IX policies and procedures, and on any other policies and procedures adopted by the university in accordance with this chapter; and
- (2) The department of education and the state public charter school commission shall include in their respective reports to the legislature:
- (A) The total number of complaints alleging a violation of this chapter or Title IX that were received by the department of education or public charter school, as applicable, and the number of complaints received in each of the following categories:
 - (i) The number of complaints received at each department of education complex area or public charter school, as applicable; and
 - (ii) The types of complaints, including but not limited to sexual harassment, gender-based harassment, sexual assault, domestic violence, or stalking;
 - (B) Of the total number of complaints reported under subparagraph (A) for each department of education complex area or public charter school, as applicable, the number of complaints involving:
 - (i) A student complainant and a student respondent;
 - (ii) A student complainant and an employee respondent;

- (iii) An employee complainant and an employee respondent; and
- (iv) An employee complainant and a student respondent;
- (C) Of the total number of complaints reported under subparagraph (A) for each department of education complex area or public charter school, as applicable, the number of complaints in which:
 - (i) An investigation was commenced but a decision has not yet been rendered;
 - (ii) An investigation was completed and a decision was rendered; and
 - (iii) A party has filed an appeal, and the appeal is pending; and
- (D) For the department of education or a public charter school, the percentage of teachers, counselors, principals, and vice-principals, disaggregated by complex area or public charter school, as applicable, who have completed a training course on the department or public charter school's Title IX policies and procedures, and on any other policies and procedures adopted by the department or public charter school in accordance with this chapter;

provided that all public charter schools shall submit the information required under this section to the state public charter school commission, in a form prescribed by the commission, no later than August 1 of each year.”

SECTION 3. Section 368D-1, Hawaii Revised Statutes, is amended to read as follows:

“§368D-1 [State] Covered educational programs and activities; discrimination prohibited. (a) No person in the State, on the basis of sex, including gender identity or expression as defined in section 489-2, or sexual orientation as defined in section 489-2, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under[:

- (1) ~~Any state educational program or activity; or~~
- (2) ~~Any educational program or activity that receives state financial assistance.] any covered educational program or activity.~~

~~[(b) Nothing in this chapter shall be construed to prohibit the membership practices of social fraternities or sororities or voluntary youth service organizations, as set forth in title 20 United States Code Section 1681(a)(6), as in effect on January 1, 2019.~~

~~(c) Nothing in this chapter shall be construed to prohibit any educational institution receiving state funds from maintaining separate living facilities for different sexes, as set forth in title 20, United States Code Section 1686, as in effect on January 1, 2019.~~

~~(d) Nothing in this chapter shall be construed to prohibit an educational institution from administering or assisting in administering a scholarship, fellowship, or other form of financial assistance pursuant to a domestic or foreign will, trust, bequest, or similar instrument that requires awards be made to members of a particular sex specified therein; provided that the overall effect of sex-restricted financial assistance shall not discriminate on the basis of sex, as set forth in title 34, Code of Federal Regulations section 106.37(b)(1), as in effect on January 1, 2019.~~

ACT 243

(e) (b) Nothing in this chapter shall preclude ~~[a student participating in any educational program or activity]~~ a person who is aggrieved by a violation of this chapter from filing a civil action in a court of competent jurisdiction.

[(f)] (c) A person, or an organization or association on behalf of a person alleging a violation of this chapter may file a complaint pursuant to this chapter.

[(g) —As used in this section:

~~“Educational program or activity that receives state financial assistance” means any educational program or activity that receives state financial assistance, in any amount, for any purpose. The term does not exclude an educational program or activity that also receives federal funds.~~

~~“State educational program or activity” means an educational program or activity of the University of Hawaii, the department of education, or public charter schools.]~~

(d) A covered educational program or activity shall be in compliance with this chapter during the school year when state funds are received or expended.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2022-2023 for equity training.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 8. This Act shall take effect on July 1, 2022.

(Approved July 6, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 243

H.B. NO. 2421

A Bill for an Act Relating to Women’s Court.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there has been a significant increase in the number of women in Hawai’i jails and prisons over the past forty years, resulting in a higher proportion of women who are incarcerated. Research reflects that for women, histories of abuse, trauma, poverty, mental illness, sub-

stance use disorders, and unhealthy relationships intersect with their entry into criminal behavior. Women offenders also face unique barriers to success after incarceration. They are more likely to be primary caregivers for young children, have lower educational attainment, lack stable work history, and experience economic or social marginalization, which prevents them from having more positive outcomes.

The purpose of this Act is to establish a three-year women's court pilot program in the circuit court of the first circuit, which is intended to acknowledge the distinct pathways that lead women into the criminal justice system and address their individualized needs.

SECTION 2. (a) There is established within the first circuit of the judiciary the women's court pilot program. The pilot program shall implement trauma-informed and evidence-based practices, employ gender-responsive programming, collaborate with stakeholders, and provide services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism.

(b) The services offered by the program shall address the following areas:

- (1) Trauma and mental health treatment;
- (2) Family support, including parenting, education, and relationship improvement;
- (3) Life-skills training;
- (4) Education and vocational training;
- (5) Domestic violence prevention;
- (6) Medical services and health education;
- (7) Substance abuse detection, prevention, and treatment;
- (8) Mentoring; and
- (9) Housing support.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$695,236 or so much thereof as may be necessary for fiscal year 2022-2023 for equipment; mental health, substance abuse treatment, and other services; and the establishment of seven temporary positions as follows:

- (1) One full-time equivalent (1.0 FTE) social worker V position (\$62,136);
 - (2) Four full-time equivalent (4.0 FTE) social worker IV positions (\$52,200 each);
 - (3) One full-time equivalent (1.0 FTE) circuit court clerk II position (\$46,200); and
 - (4) One full-time equivalent (1.0 FTE) judicial clerk position (\$41,100);
- for the women's court pilot program established pursuant to section 2 of this Act.

The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 4. The judiciary shall submit a report of its findings and recommendations, including any proposed legislation, to the governor and legislature no later than forty days prior to the convening of the regular sessions of 2023, 2024, and 2025, regarding:

- (1) The status of the women's court pilot program;
- (2) The number of women accepted into the pilot program;

- (3) The number of women who were eligible to participate in the pilot program but who could not be accepted into the program because of program limitations;
- (4) The number of women completing the pilot program;
- (5) The number of women who were removed from the pilot program; and
- (6) Recommendations as to whether the women’s court pilot program should:
 - (A) Continue as a pilot program;
 - (B) Expand to include additional participants;
 - (C) Provide additional services; or
 - (D) Be discontinued.

SECTION 5. This Act shall take effect on July 1, 2022, and shall be repealed on June 30, 2025.

(Approved July 6, 2022.)

ACT 244

H.B. NO. 2312

A Bill for an Act Relating to Prison Reform.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter in title 32 to be appropriately designated and to read as follows:

“CHAPTER

WOMEN’S CORRECTIONS IMPLEMENTATION COMMISSION

§ -1 Women’s corrections implementation commission; established; powers and duties. (a) There is established within the judiciary, for administrative purposes, a commission to be known as the women’s corrections implementation commission. The commission shall:

- (1) Develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system;
- (2) Ensure that the recommendations made in the final report of the House Concurrent Resolution No. 85 (2016) task force on prison reform to the legislature during the regular session of 2019 are implemented;
- (3) Review existing local resources and programs focused on women in the justice system for their effectiveness and capacity for expansion; and
- (4) Consider model programs that include residential, in-person and community-based rehabilitation programs, supportive and subsidized housing, restorative justice, and educational programs.

(b) The women’s corrections implementation commission shall collaborate with the judiciary and the county prosecutors of Hawaii, Honolulu, Kauai, and Maui to determine how to most effectively develop and implement the evidence-based, gender-responsive plan required by subsection (a)(1).

§ -2 Women’s corrections implementation commission; membership. (a) The women’s corrections implementation commission shall consist of the following members, who shall all be women:

- (1) The chief justice, or the chief justice's designee;
 - (2) The director of public safety, or the director's designee;
 - (3) A social worker who assists in the rehabilitation and attainment of housing for female inmates, who shall be appointed by the director of public safety;
 - (4) The public defender, or the public defender's designee;
 - (5) The prosecuting attorney of the county of Hawaii, Honolulu, Maui, or Kauai, or the prosecuting attorney's designee;
 - (6) The leader of a private foundation that assists women in rehabilitation after release from prison, or the leader's designee;
 - (7) A former prison inmate appointed by the director of public safety; and
 - (8) A community-based advocate appointed by the director of public safety.
- (b) The members shall not receive compensation for their services but shall receive reimbursement for expenses, including travel expenses, that are necessary for the performance of their duties.

§ -3 **Administrative support.** The judiciary shall provide administrative support to the women's corrections implementation commission."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000 or so much thereof as may be necessary for fiscal year 2022-2023 to establish the women's corrections implementation commission.

The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 3. It is not the intent of this Act to jeopardize the receipt of any federal aid. If any provision of this Act, or the application thereof to any person or circumstance, is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, the provision shall be deemed void; provided that the voided provision shall not affect other provisions or applications of the Act that can be given effect without the voided provision or application, and to this end the provisions of this Act are severable.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved July 6, 2022.)

ACT 245

S.B. NO. 2637

A Bill for an Act Relating to Public Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes the importance of community-based work furlough programs for women transitioning back into the community. Since 2015, the department of public safety has contracted with a local nonprofit organization to place women from the women's community correctional center on Oahu in a residential program that provides wraparound services to assist the women as they reenter society and rebuild their lives. The residential program's job readiness and job retention programs enable women to return to the work-

force, keeping eighty-four per cent of participants out of prison and providing them the opportunity to participate in and access transitional training.

The legislature finds that the community-based work furlough program is gender responsive and equipped to meet the needs of women who have sustained some form of trauma. The great majority of women who have been served by the program are mothers. The program also eases family reunification efforts, which helps to keep children from intergenerational incarceration.

The legislature further finds that the department of public safety has affirmed the importance of community-based work furlough programs for women, testifying in 2020 in support of a measure to allocate funding for that purpose by recognizing “the undisputed importance of community-based reentry programs, particularly for women”.

The purpose of this Act is to:

- (1) Mandate that there be a community-based work furlough program for incarcerated women in the State; and
- (2) Appropriate funds to the department of public safety to continue and expand community-based work furlough for women.

SECTION 2. Section 353-6.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~353-6.5 Gender-responsive, community-based programs for ~~female~~ women offenders. ~~[Subject to funding by the legislature, the]~~ The department of public safety shall develop and make available gender-responsive, community-based programs, including a community-based work furlough program, for ~~female~~ women offenders by providing ~~female~~ women offenders the appropriate range of opportunities to ensure that their needs are met. Program models designed to address ~~female-offender needs~~ the needs of women offenders shall include but are not limited to:

- (1) Appropriate treatment, including substance abuse and mental health treatment;
- (2) Individualized case management to help ~~female~~ women offenders set and achieve goals;
- (3) Life skills development workshops, including budgeting, money management, nutrition, and exercise;
- (4) Development of self-determination through education; employment training; community-based work furlough programs; special education for the learning disabled; and social, cognitive, communication, and life skills training;
- (5) Family-focused programming, including issues relating to pregnancy and single parenthood;
- (6) Peer support and the development of peer networks;
- (7) Transitional support for ~~female~~ women offenders and their families to promote successful reentry into their families and communities;
- (8) Highly skilled staff experienced in working with ~~female~~ women offenders and their concerns;
- (9) Formal recognition of participant achievement;
- (10) Ongoing attention to building community-based support;
- (11) Assistance for ~~female~~ women offenders who need to develop a marketable job skill and a career plan;
- (12) Geographical proximity to children and family; and
- (13) The goal of providing a gender-responsive continuum of care.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to ensure the continuation and expansion of community-based work furlough for women.

The sum appropriated shall be expended by the department of public safety for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved July 6, 2022.)

ACT 246

S.B. NO. 2641

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, as of 2018, seventy-five per cent of incarcerated women in Hawaii had children. Previous surveys have shown that many women who are on parole are also mothers of minor children.

The legislature further finds that studies have clearly shown that when women in the criminal justice system are separated from their children, the experience has devastating impacts on the children's mental health and development. These impacts can increase the risk of multigenerational incarceration. The separation also has a destructive and traumatic impact on mothers.

Accordingly, the purpose of this Act is to appropriate moneys for residential programs that allow minor children to remain with their mothers while participating in the program, to reduce the risk of trauma and multigenerational incarceration.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2022-2023 for residential programs that allow minor children to remain with their mothers while participating in the program, including:

- (1) Community-based furlough programs;
- (2) Residential drug treatment programs;
- (3) Therapeutic community programs; and
- (4) Mental health programs.

The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 6, 2022.)

ACT 247

H.B. NO. 2240

A Bill for an Act Relating to Other Post-Employment Benefits.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The director of finance is authorized to issue general obligation bonds in the sum of \$300,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fis-

cal year 2022-2023 for the other post-employment benefits trust fund governed by section 87A-42, Hawaii Revised Statutes, to pay or prepay the State's other post-employment benefits liability; provided that:

- (1) The appropriation made for this transaction as authorized by this section shall not lapse at the end of the fiscal year for which the appropriation is made;
- (2) All moneys from the appropriation unencumbered as of June 30, 2024, shall lapse as of that date; and
- (3) The general obligation bonds authorized by this section shall be issued in the sole discretion of the director of finance; provided that:
 - (A) To determine the annual required contribution, a preliminary annual required contribution to the trust fund shall be developed that treats the outstanding bond balance as part of the trust fund's unfunded actuarial accrued liability. The net cash contribution required to be contributed to the trust fund shall be the greater of:
 - (i) The preliminary annual required contribution less the related general obligation bond payment for the respective year; or
 - (ii) The annual required contribution amount calculated under section 87A-42(f)(2), Hawaii Revised Statutes, without any special consideration given to the outstanding balance of the general obligation bonds or any related general obligation bond payments, for the respective year;
 - (B) Entities shall only be permitted to issue general obligation bonds if the all-in true interest cost of the bonds is at least three hundred basis points less than the assumed rate of return of the trust fund, to which the proceeds will be contributed;
 - (C) General obligation bonds shall not be issued as a means for addressing budget shortfalls related to contributions required by law; and
 - (D) General obligation bonds shall only be issued as a means to produce long-term savings.

SECTION 2. Section 87A-42, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) For the purposes of this section, “annual required contribution” means a public employer’s required contribution to the trust fund established in this section that is sufficient to cover:

- (1) The normal cost, which is the cost of other post-employment benefits attributable to the current year of service; and
- (2) An amortization payment, which is a catch-up payment for past service costs to fund the unfunded actuarial accrued liability over the next thirty years. If the State issues general obligation bonds to pay or prepay all or any portion of the State’s unfunded actuarial accrued liability and contributes the proceeds to the trust fund, the outstanding balance of the general obligation bonds shall be considered part of the State’s unfunded actuarial accrued liability for the purpose of determining the preliminary annual required contribution. The annual required contribution would be the greater of:
 - (A) The preliminary annual required contribution less the related general obligation bond payment; or
 - (B) The amount calculated under this paragraph without any special consideration given to the outstanding balance of the gen-

eral obligation bonds or any related general obligation bond payments.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2022; provided that section 2 of this Act shall take effect on July 1, 2023.

(Approved July 7, 2022.)

ACT 248

H.B. NO. 1600

A Bill for an Act Relating to the State Budget.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the Supplemental Appropriations Act of 2022.

SECTION 2. This Act amends Act 88, Session Laws of Hawaii 2021, and other appropriations and authorizations effective during fiscal biennium 2021-2023.

SECTION 3. Part II of Act 88, Session Laws of Hawaii 2021, is amended by amending section 3 to read as follows:

“SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the means of financing specified to the expending agencies designated for the fiscal biennium beginning July 1, 2021¹ and ending June 30, 2023. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each fiscal year, except as provided elsewhere in this Act,² or as provided by general law.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
A. ECONOMIC DEVELOPMENT					
1.	BED100	STRATEGIC MARKETING AND SUPPORT		10.00 *	10.00 *
				1.00 #	1.00 #
	OPERATING		BED	1,288,724 A	1,648,724 A
			BED	0 V	660,000 V 0 ³
			BED	2,321,915 W	2,321,915 W
			BED	700,000 P	700,000 P
2.	BED105	CREATIVE INDUSTRIES DIVISION		13.00 *	13.00 *
				1.00 #	1.00 #
	OPERATING		BED	1,412,289 A	1,592,721 A
			BED	780,000 B	780,000 B
			BED	50,000 V	50,000 V 0 ³

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
3.	BED107 - FOREIGN TRADE ZONE			16.00*	16.00*
	OPERATING		BED	2,513,717 B	2,513,717 B
	INVESTMENT CAPITAL		BED	C	400,000 C
4.	BED142 - GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT			25.00*	26.00*
				1.00#	1.00#
	OPERATING		BED	2,290,423 A	2,394,295 A
	INVESTMENT CAPITAL		BED	C	350,600,000 C
			BED	S	100,000 S
5.	BED113 - TOURISM			1.00*	0.00*
				24.00#	0.00#
	OPERATING		BED	11,000,000 V	0 V
	INVESTMENT CAPITAL		BED	C	15,000,000 C
6.	AGR101 - FINANCIAL ASSISTANCE FOR AGRICULTURE			9.00*	9.00*
	OPERATING		AGR	806,418 A	788,018 A
			AGR	5,500,000 W	5,500,000 W
7.	AGR122 - PLANT PEST AND DISEASE CONTROL			*	68.00*
	OPERATING		AGR	1,443,780 A	5,854,407 A
				114.00*	46.00*
			AGR	14,653,861 B	8,331,601 B
			AGR	512,962 T	512,962 T
			AGR	212,095 U	212,095 U
			AGR	50,360 W	50,360 W
				2.00#	2.00#
			AGR	528,412 P	528,412 P
8.	AGR131 - RABIES QUARANTINE			32.32*	32.32*
	OPERATING		AGR	3,581,067 B	4,235,521 B
9.	AGR132 - ANIMAL DISEASE CONTROL			20.68*	20.68*
	OPERATING		AGR	1,604,101 A	1,604,101 A
			AGR	47,802 B	47,802 B
				3.00#	3.00#
			AGR	438,438 P	438,438 P
	INVESTMENT CAPITAL		AGS	1,200,000 C	C
10.	LNR172 - FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT			29.00*	34.00*
	OPERATING		LNR	2,713,692 A	3,192,942 A
			LNR	2,455,475 B	2,455,475 B
				1.00*	1.00*
			LNR	10,421,463 P	1,550,000 P
	INVESTMENT CAPITAL		LNR	2,860,000 C	2,500,000 C
			LNR	0 D	D
11.	AGR151 - QUALITY AND PRICE ASSURANCE			20.00*	20.00*
	OPERATING		AGR	1,462,336 A	1,456,299 A
				1.00*	1.00*
			AGR	294,848 B	294,848 B
			AGR	100,000 N	100,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
			AGR	300,000 T 6.50 #	300,000 T 6.50 #
			AGR	504,037 W	504,037 W
			AGR	138,624 P	138,624 P
12.	AGR171	AGRICULTURAL DEVELOPMENT AND MARKETING			
	OPERATING		AGR	11.00 * 1,282,806 A	11.00 * 1,107,394 A
			AGR	15,000 B	15,000 B
				2.00 *	0.75 *
			AGR	1,120,787 N	1,051,568 N
			AGR	100,000 V	V
				*	1.25 *
			AGR	220,000 P	289,219 P
13.	AGR141	AGRICULTURAL RESOURCE MANAGEMENT			
	OPERATING		AGR	14.00 * 1,483,645 A	16.00 * 29,616,732 A ²
				13.50 *	6,616,732 A ³
			AGR	2,028,080 B	2,028,080 B
				7.50 *	7.50 *
	INVESTMENT CAPITAL		AGR	1,293,125 W	1,293,125 W
			AGR	4,960,000 C	500,000 C
			UOH	28,000,000 C	C
			AGR	1,000 N	N
			AGR	R	500,000 R
14.	AGR161	AGRIBUSINESS DEVELOPMENT AND RESEARCH			
	OPERATING		AGR	* 7.00 # 1,104,521 A	8.00 * 0.00 # 3,811,324 A
				6.00 #	3,011,324 A ³
	INVESTMENT CAPITAL		AGR	3,757,929 W	6.00 # 3,757,929 W
			AGR	C	14,120,000 C
15.	AGR192	GENERAL ADMINISTRATION FOR AGRICULTURE			
	OPERATING		AGR	32.00 * 3,068,304 A	33.00 * 3,616,364 A
			AGR	1.00 *	0.00 *
	INVESTMENT CAPITAL		AGR	57,324 B	0 B
			AGS	3,000,000 C	C
16.	LNR153	FISHERIES MANAGEMENT			
	OPERATING		LNR	11.00 * 987,079 A	11.00 * 1,327,059 A
				2.00 *	3.00 *
			LNR	381,355 B	440,540 B
			LNR	420,000 N	420,000 N
			LNR	1,000,000 V	V
				2.00 *	1.00 *
				1.00 #	1.00 #
	INVESTMENT CAPITAL		LNR	731,836 P	267,474 P
			LNR	350,000 C	C
17.	AGR153	AQUACULTURE DEVELOPMENT			
	OPERATING		AGR	3.00 * 294,639 A	7.00 * 953,119 A
			AGR	125,000 B	125,000 B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
18.	BED120	HAWAII STATE ENERGY OFFICE		2.00 *	1.00 *
				20.00 #	25.00 #
	OPERATING		BED	1,958,082 A	2,216,673 A
			BED	500,000 B	565,000 B
				#	2.00 #
			BED	500,000 N	667,124 N
			BED	240,000 T	7,146,250 T
19.	BED143	HAWAII TECHNOLOGY DEVELOPMENT CORPORATION		3.00 *	3.00 *
				5.00 #	5.00 #
	OPERATING		BED	1,258,111 A	6,234,902 A
			BED	1,604,258 B	1,604,258 B
			BED	2,017,203 W	2,017,203 W
				9.00 #	10.00 #
	INVESTMENT CAPITAL		BED	994,214 P	994,214 P
			BED	C	17,800,000 C ³
20.	BED146	NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY		17.00 #	17.00 #
	OPERATING		BED	7,744,562 B	7,744,562 B
	INVESTMENT CAPITAL		BED	C	2,000,000 C
21.	BED138	HAWAII GREEN INFRASTRUCTURE AUTHORITY		5.00 #	5.00 #
	OPERATING		BED	85,978,302 B	85,978,302 B
22.	LNR141	WATER AND LAND DEVELOPMENT		24.00 *	24.00 *
	OPERATING		LNR	2,583,711 A	2,918,651 A
				4.00 *	4.00 *
			LNR	820,764 B	820,764 B
			LNR	199,479 T	199,479 T
	INVESTMENT CAPITAL		LNR	5,000,000 C	7,000,000 C
23.	BED150	HAWAII COMMUNITY DEVELOPMENT AUTHORITY		8.00 *	10.00 *
				1.00 #	1.00 #
	OPERATING		BED	834,082 A	1,149,898 A
				*	11.00 *
				#	1.00 #
			BED	B	2,408,207 B
			BED	300,000 V	13,874,350 V ³
				13.00 *	0.00 *
				1.00 #	0.00 #
	INVESTMENT CAPITAL		BED	2,663,019 W	0 W
			BED	C	69,100,000 C
			BED	N	320,000,000 N
24.	BED160	HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION			
	OPERATING		BED	A	5,000,000 A
			BED	3,100,000 N	3,100,000 N
				25.00 *	25.00 *
				40.00 #	42.00 #
			BED	12,289,871 W	12,748,818 W
			BED	3,000,000 P	3,000,000 P
	INVESTMENT CAPITAL		BED	40,000,000 C	61,500,000 C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
B. EMPLOYMENT					
1. LBR111 - WORKFORCE DEVELOPMENT					
	OPERATING		LBR	1.80 * 767,793 A 2.00 #	9.10 * 6,064,333 A 0.00 #
			LBR	5,364,646 B 35.70 * 12.00 #	5,364,646 B 71.20 * 34.00 #
			LBR	16,390,000 N 20.00 *	16,438,180 N 0.00 *
			LBR	2,000,000 S 12.00 * 20.00 #	0 S 0.00 * 0.00 #
			LBR	2,891,173 U 10.50 *	2,891,173 U 0.70 *
			LBR	4,302,932 P	4,850,000 P
2. LBR171 - UNEMPLOYMENT INSURANCE PROGRAM					
	OPERATING		LBR	10.00 # 3,117,682 B 180.00 *	0.00 # 2,173,756 B 192.50 *
			LBR	22,695,417 N	22,710,272 N
			LBR	358,000,000 T	679,000,000 T
			LBR	70,000,000 V 2.50 *	35,000,000 V 0.00 *
			LBR	166,346 P	0 P
3. LBR903 - OFFICE OF COMMUNITY SERVICES					
	OPERATING		LBR	4.00 * 5.00 # 2,082,490 A	10.00 * 5.00 # 51,039,411 A
			LBR	5,000 B 1.00 * 4.00 #	5,000 B 0.00 * 4.00 #
			LBR	6,372,000 N	6,152,774 N
			LBR	V	2,000,000 V 0 ³
4. HMS802 - VOCATIONAL REHABILITATION					
	OPERATING		HMS	37.76 * 2.31 # 4,013,195 A 69.24 *	40.07 * 0.00 # 4,328,357 A 73.93 *
			HMS	4.69 # 15,704,850 N	0.00 # 15,704,850 N
			HMS	1,330,200 W	1,330,200 W
5. LBR143 - HAWAII OCCUPATIONAL SAFETY AND HEALTH PROGRAM					
	OPERATING		LBR	17.60 * 0.50 # 1,268,442 A 19.00 *	17.30 * 0.50 # 1,265,318 A 19.00 *
			LBR	2,693,221 W 20.40 *	2,693,221 W 19.70 *
			LBR	3,434,866 P	3,525,000 P
6. LBR152 - WAGE STANDARDS PROGRAM					
	OPERATING		LBR	17.00 * 1.00 # 1,152,655 A	19.00 * 0.00 # 1,199,989 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
7.	LBR153 - HAWAII CIVIL RIGHTS COMMISSION			22.50 *	22.50 *
	OPERATING	LBR	1,687,784 A	1,687,784 A	1,687,784 A
			0.50 *	0.50 *	0.50 *
			5.00 #	5.00 #	5.00 #
		LBR	546,001 P	560,000 P	560,000 P
8.	LBR183 - DISABILITY COMPENSATION PROGRAM			77.00 *	76.00 *
	OPERATING	LBR	5,335,408 A	5,335,408 A	5,335,408 A
			11.00 *	11.00 *	11.00 *
			5.00 #	5.00 #	5.00 #
		LBR	24,050,965 T	24,050,965 T	24,050,965 T
		LBR	3,541,937 V	3,541,937 V	0 ³
9.	LBR161 - HAWAII LABOR RELATIONS BOARD			3.00 *	3.00 *
	OPERATING	LBR	969,264 A	969,264 A	969,264 A
			6.00 #	6.00 #	6.00 #
10.	LBR812 - LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD			11.00 *	11.00 *
	OPERATING	LBR	1,055,593 A	1,055,593 A	1,055,593 A
11.	LBR902 - GENERAL ADMINISTRATION			15.83 *	16.83 *
	OPERATING	LBR	1,667,498 A	1,667,498 A	1,667,498 A
		LBR	200,000 B	200,000 B	200,000 B
		LBR	118,611 N	0 N	0 N
		LBR	700,000,000 V	0 V	0 V
			32.17 *	32.17 *	32.17 *
			2.88 #	1.54 #	1.54 #
		LBR	3,261,292 P	3,286,941 P	3,286,941 P

C. TRANSPORTATION FACILITIES

1.	TRN102 - DANIEL K. INOUE INTERNATIONAL AIRPORT			689.00 *	685.00 *
	OPERATING	TRN	236,860,348 B	254,776,108 B	254,776,108 B
	INVESTMENT CAPITAL	TRN	22,500,000 E	95,000,000 E	95,000,000 E
2.	TRN104 - GENERAL AVIATION			31.00 *	31.00 *
	OPERATING	TRN	8,763,907 B	8,772,862 B	8,772,862 B
	INVESTMENT CAPITAL	TRN	12,000,000 B	B	B
		TRN	E	22,200,000 E	22,200,000 E
		TRN	N	1,000 N	1,000 N
3.	TRN111 - HILO INTERNATIONAL AIRPORT			86.00 *	86.00 *
	OPERATING	TRN	21,506,970 B	21,534,285 B	21,534,285 B
	INVESTMENT CAPITAL	TRN	1,400,000 E	E	E
4.	TRN114 - ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE			107.00 *	104.00 *
	OPERATING	TRN	26,090,199 B	26,087,174 B	26,087,174 B
	INVESTMENT CAPITAL	TRN	18,141,000 E	E	E

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
5.	TRN116 -	WAIMEA-KOHALA AIRPORT			
	OPERATING		TRN	4.00* 972,251 B	4.00* 973,087 B
6.	TRN118 -	UPOLU AIRPORT			
	OPERATING		TRN	49,500 B	49,500 B
7.	TRN131 -	KAHULUI AIRPORT			
	OPERATING		TRN	175.00* 40,639,266 B	182.00* 43,625,339 B
	INVESTMENT CAPITAL		TRN	E	45,000,000 E
8.	TRN133 -	HANA AIRPORT			
	OPERATING		TRN	8.00* 1,001,125 B	8.00* 1,001,454 B
9.	TRN135 -	KAPALUA AIRPORT			
	OPERATING		TRN	11.00* 2,409,194 B	11.00* 2,522,981 B
10.	TRN141 -	MOLOKAI AIRPORT			
	OPERATING		TRN	14.00* 3,242,345 B	14.00* 3,451,468 B
11.	TRN143 -	KALAUPAPA AIRPORT			
	OPERATING		TRN	7.00* 925,955 B	6.00* 847,139 B
12.	TRN151 -	LANAI AIRPORT			
	OPERATING		TRN	12.00* 3,480,593 B	12.00* 3,609,617 B
13.	TRN161 -	LIHUE AIRPORT			
	OPERATING		TRN	116.00* 25,432,437 B	117.00* 25,884,702 B
	INVESTMENT CAPITAL		TRN	E	100,000,000 E
14.	TRN163 -	PORT ALLEN AIRPORT			
	OPERATING		TRN	1,841 B	1,841 B
15.	TRN195 -	AIRPORTS ADMINISTRATION			
	OPERATING		TRN	136.00* 1.00# 235,044,987 B	133.00* 1.00# 307,452,569 B
	INVESTMENT CAPITAL		TRN	4,428,000 B	4,428,000 B
			TRN	137,940,000 E	255,407,000 E
			TRN	1,000 N	1,000 N
			TRN	R	5,000,000 R
			TRN	58,577,000 X	157,000 X
16.	TRN301 -	HONOLULU HARBOR			
	OPERATING		TRN	114.00* 1.00# 20,876,895 B	120.00* 0.00# 22,733,011 B
	INVESTMENT CAPITAL		TRN	4,000 B	4,000 B
			TRN	9,988,000 E	29,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R

PROGRAM APPROPRIATIONS

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				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
17.	TRN303 -	KALAELOA BARBERS POINT HARBOR			
	OPERATING		TRN	6.00 *	6.00 *
	INVESTMENT CAPITAL		TRN	1,291,466 B	1,605,915 B
			TRN	4,000 B	4,000 B
			TRN	9,988,000 E	14,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
18.	TRN311 -	HILO HARBOR			
	OPERATING		TRN	15.00 *	15.00 *
	INVESTMENT CAPITAL		TRN	2,337,869 B	2,435,985 B
			TRN	4,000 B	4,000 B
			TRN	9,988,000 E	14,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
19.	TRN313 -	KAWAIHAE HARBOR			
	OPERATING		TRN	2.00 *	2.00 *
	INVESTMENT CAPITAL		TRN	798,089 B	850,979 B
			TRN	4,000 B	4,000 B
			TRN	9,988,000 E	29,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
20.	TRN331 -	KAHULUI HARBOR			
	OPERATING		TRN	18.00 *	19.00 *
	INVESTMENT CAPITAL		TRN	3,304,122 B	3,587,737 B
			TRN	4,000 B	4,000 B
			TRN	9,988,000 E	62,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
21.	TRN341 -	KAUNAKAKAI HARBOR			
	OPERATING		TRN	1.00 *	1.00 *
				210,962 B	258,373 B
22.	TRN361 -	NAWILIWILI HARBOR			
	OPERATING		TRN	15.00 *	15.00 *
	INVESTMENT CAPITAL		TRN	2,672,001 B	2,773,184 B
			TRN	4,000 B	4,000 B
			TRN	988,000 E	988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
23.	TRN363 -	PORT ALLEN HARBOR			
	OPERATING		TRN	1.00 *	1.00 *
	INVESTMENT CAPITAL		TRN	193,284 B	199,232 B
			TRN	4,000 B	4,000 B
			TRN	988,000 E	4,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
24.	TRN351 -	KAUMALAPAU HARBOR			
	OPERATING		TRN	1.00 *	1.00 *
				133,006 B	167,153 B
25.	TRN395 -	HARBORS ADMINISTRATION			
	OPERATING		TRN	77.00 *	71.00 *
	INVESTMENT CAPITAL		TRN	1.00 #	1.00 #
				94,316,878 B	91,523,003 B
				2,504,000 B	2,504,000 B

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
			TRN	1,488,000 E	1,488,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
			TRN	0 V	V
26.	TRN333 - HANA HARBOR				
	OPERATING		TRN	13,519 B	13,519 B
27.	TRN501 - OAHU HIGHWAYS				
	OPERATING		TRN	190.00 *	190.00 *
			TRN	83,058,408 B	86,146,507 B
			TRN	V	10,000,000 V ⁰
	INVESTMENT CAPITAL		TRN	B	7,800,000 B
			TRN	12,200,000 C	7,000,000 C
			TRN	3,500,000 D	77,500,000 D
			TRN	41,300,000 E	150,600,000 E
			TRN	42,100,000 N	101,501,000 N
28.	TRN511 - HAWAII HIGHWAYS				
	OPERATING		TRN	119.00 *	118.50 *
	INVESTMENT CAPITAL		TRN	18,335,556 B	19,601,930 B
			TRN	A	500,000 A
			TRN	B	500,000 B
			TRN	1,300,000 D	D
			TRN	E	59,910,000 E
			TRN	N	94,000,000 N
			TRN	S	500,000 S
29.	TRN531 - MAUI HIGHWAYS				
	OPERATING			90.00 *	90.00 *
				1.00 #	1.00 #
	INVESTMENT CAPITAL		TRN	22,541,635 B	24,626,321 B
			TRN	C	3,500,000 C
			TRN	9,800,000 E	11,700,000 E
			TRN	44,700,000 N	32,800,000 N
30.	TRN561 - KAUAI HIGHWAYS				
	OPERATING			55.00 *	55.00 *
	INVESTMENT CAPITAL		TRN	11,287,424 B	11,857,512 B
			TRN	C	1,500,000 C
			TRN	500,000 D	D
			TRN	7,500,000 E	8,800,000 E
			TRN	9,200,000 N	8,802,000 N
31.	TRN595 - HIGHWAYS ADMINISTRATION				
	OPERATING			544.50 *	544.50 *
				5.00 #	5.00 #
			TRN	131,150,122 B	233,103,599 B
			TRN	1.00 #	1.00 #
	INVESTMENT CAPITAL		TRN	15,496,745 N	16,698,262 N
			TRN	B	2,500,000 B
			TRN	27,800,000 E	102,100,000 E
			TRN	82,804,000 N	332,104,000 N
32.	TRN597 - HIGHWAYS SAFETY				
	OPERATING			31.20 *	31.20 *
			TRN	10,721,093 B	11,014,352 B
				6.00 *	6.00 *
			TRN	6,367,261 N	6,414,203 N
				0.80 *	0.80 *
			TRN	754,989 P	1,106,144 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
33.	TRN995	GENERAL ADMINISTRATION		111.00 *	111.00 *
				2.00 #	2.00 #
	OPERATING		TRN	22,965,329 B	23,883,066 B
				1.00 *	1.00 *
			TRN	18,799,673 N	19,284,696 N
			TRN	743,067 R	743,067 R
34.	TRN695	ALOHA TOWER DEVELOPMENT CORPORATION		1.00 #	1.00 #
	OPERATING		TRN	1,842,173 B	1,842,173 B
D. ENVIRONMENTAL PROTECTION					
1.	HTH840	ENVIRONMENTAL MANAGEMENT		74.00 *	74.00 *
				1.00 #	1.00 #
	OPERATING		HTH	5,096,566 A	5,262,473 A
				57.00 *	60.00 *
				6.00 #	4.00 #
			HTH	79,269,535 B	80,328,792 B
				32.10 *	33.10 *
				2.00 #	1.00 #
			HTH	6,535,768 N	4,115,850 N
				2.00 *	2.00 *
			HTH	247,950 U	2,997,950 U
				43.00 *	43.00 *
			HTH	259,623,052 W	259,751,250 W
				7.25 *	7.25 *
				4.00 #	4.00 #
	INVESTMENT CAPITAL		HTH	2,570,528 P	2,670,536 P
			HTH	4,664,000 C	7,848,000 C
			HTH	23,319,000 N	55,160,000 N
2.	AGR846	PESTICIDES		5.00 *	5.00 *
	OPERATING		AGR	404,933 A	1,204,933 A
				18.00 *	18.00 *
				2.00 #	2.00 #
			AGR	2,595,439 W	2,595,439 W
				2.00 *	2.00 *
				1.00 #	1.00 #
			AGR	464,629 P	464,629 P
3.	LNR401	ECOSYSTEM PROTECTION AND RESTORATION		25.00 *	30.00 *
				3.50 #	0.50 #
	OPERATING		LNR	2,023,023 A	2,295,831 A
				#	1.00 #
			LNR	B	288,320 B
				2.00 #	1.00 #
			LNR	2,410,000 N	2,321,680 N
				1.00 *	1.00 *
				4.50 #	4.50 #
			LNR	5,994,189 P	2,310,000 P
4.	LNR402	NATIVE RESOURCES AND FIRE PROTECTION PROGRAM		51.50 *	51.50 *
	OPERATING		LNR	14,821,778 A	17,067,208 A

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				17.50 *	18.50 *
			LNR	3,679,764 N	2,191,622 N
				1.00 *	0.00 *
			LNR	192,677 T	106,475 T
				7.00 #	7.00 #
			LNR	1,686,056 U	1,686,056 U
			LNR	995,000 V	120,000 V 0 ³
				2.50 *	2.50 *
				1.00 #	1.00 #
		INVESTMENT CAPITAL	LNR	4,031,129 P	3,647,867 P
			LNR	1,500,000 C	5,260,000 C
5.	LNR404 - WATER RESOURCES				
				18.00 *	22.00 *
	OPERATING		LNR	2,838,042 A	2,951,202 A
				5.00 *	5.00 *
			LNR	1,169,242 B	1,169,242 B
	INVESTMENT CAPITAL		LNR	2,000,000 C	2,000,000 C
6.	LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT				
				137.25 *	149.25 *
	OPERATING		LNR	10,774,525 A	13,066,413 A
			LNR	893,523 B	893,523 B
				3.75 *	3.75 *
			LNR	1,319,046 N	1,319,046 N
			LNR	2,548,290 V	V
			LNR	32,671 W	32,671 W
			LNR	900,000 P	900,000 P
7.	LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT				
				44.50 *	57.50 *
				19.00 #	16.00 #
	OPERATING		LNR	8,350,262 A	9,767,816 A
			LNR	B	180,000 B
			LNR	500,000 N	500,000 N
				0.50 *	0.50 *
			LNR	2,195,408 P	7,671,076 P
	INVESTMENT CAPITAL		LNR	4,000,000 C	8,350,000 C
8.	LNR906 - LNR - NATURAL AND PHYSICAL ENVIRONMENT				
				42.25 *	45.25 *
				14.00 #	14.00 #
	OPERATING		LNR	4,391,063 A	5,087,499 A
				19.00 *	19.00 *
				1.00 #	1.00 #
			LNR	2,589,649 B	2,781,669 B
				1.75 *	1.75 *
			LNR	312,183 N	312,183 N
	INVESTMENT CAPITAL		LNR	C	500,000 C
9.	HTH849 - ENVIRONMENTAL HEALTH ADMINISTRATION				
				22.50 *	22.50 *
				1.25 #	1.25 #
	OPERATING		HTH	3,110,974 A	3,110,974 A
			HTH	34,097 B	34,097 B
				1.55 *	1.55 *
				0.60 #	0.60 #
			HTH	144,015 N	144,015 N
				11.00 *	11.00 *
			HTH	2,684,162 W	2,684,162 W
				11.95 *	11.95 *

PROGRAM APPROPRIATIONS

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				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
			HTH	2.15# 6,903,432 P	2.15# 2,746,317 P
E. HEALTH					
1. HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING					
				219.87* 1.00#	225.87* 1.00#
	OPERATING		HTH	28,407,295 A	28,665,871 A
			HTH	13,343 B	13,343 B
				21.00#	21.00#
			HTH	8,723,375 N	8,723,375 N
				3.00* 1.00#	3.00* 1.00#
			HTH	759,649 U	759,649 U
				14.00* 25.50#	14.00* 25.50#
	INVESTMENT CAPITAL		HTH	5,607,365 P	5,607,365 P
			AGS	C	9,025,000 C
2. HTH131 - DISEASE OUTBREAK CONTROL					
	OPERATING		HTH	21.60* 1,735,038 A	21.60* 1,771,078 A
				23.40* 10.00#	22.40* 9.00#
			HTH	3,778,582 N	3,678,795 N
			HTH	V	5,000,000 V 0 ³
				1.00* 29.50#	1.00* 24.50#
			HTH	5,037,858 P	4,252,020 P
3. HTH730 - EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM					
	OPERATING			10.00* 1.40#	10.00* 1.40#
			HTH	4,503,945 A	7,325,595 A
				6.00#	6.00#
			HTH	22,267,084 B	22,267,084 B
				2.00#	2.00#
			HTH	340,000 P	610,000 P
4. HTH560 - FAMILY HEALTH SERVICES					
	OPERATING			98.50* 1.00#	93.00* 1.00#
			HTH	29,759,413 A	34,351,304 A
				16.00* 2.00#	14.50* 2.00#
			HTH	18,474,919 B	18,334,030 B
				119.50* 12.30#	113.50* 11.30#
			HTH	38,710,996 N	38,348,417 N
			HTH	203,441 U	203,441 U
			HTH	1,383,931 V	V
				16.00* 11.70#	15.50* 14.20#
			HTH	12,586,440 P	11,702,582 P
5. HTH590 - CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION					
				38.50* 3.00#	38.50* 3.00#

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
		OPERATING	HTH	6,536,328 A	6,536,328 A
			HTH	48,706,356 B	48,706,356 B
				1.00 *	1.00 *
				1.00 #	1.00 #
			HTH	1,177,177 U	1,177,177 U
				9.50 *	9.50 *
				21.50 #	21.50 #
			HTH	6,829,854 P	6,829,854 P
6.		HTH595 - HEALTH RESOURCES ADMINISTRATION		16.00 *	19.00 *
				5.00 #	5.00 #
		OPERATING	HTH	2,580,742 A	2,939,285 A
				*	3.00 *
			HTH	B	516,612 B
7.		HTH210 - HAWAII HEALTH SYSTEMS CORPORATION - CORPORATE OFFICE		54.50 *	54.50 *
		OPERATING	HTH	17,509,280 B	17,509,280 B
		INVESTMENT CAPITAL	HTH	500,000 C	C
8.		HTH211 - KAHUKU HOSPITAL			
		OPERATING	HTH	1,800,000 A	1,800,000 A
		INVESTMENT CAPITAL	HTH	1,000,000 C	2,600,000 C
			HTH	0 V	V
9.		HTH212 - HAWAII HEALTH SYSTEMS CORPORATION - REGIONS			
		OPERATING	HTH	92,970,903 A	100,868,603 A
				2,780.75 *	2,340.75 *
			HTH	580,483,912 B	545,483,912 B
			HTH	33,615,400 V	41,238,400 V ⁰³
		INVESTMENT CAPITAL	HTH	12,000,000 C	23,329,000 C
			HTH	0 V	V
10.		HTH213 - ALII COMMUNITY CARE			
		OPERATING	HTH	3,500,000 B	3,500,000 B
11.		SUB601 - PRIVATE HOSPITALS AND MEDICAL SERVICES			
		OPERATING	SUB	2,900,000 V	V
12.		HTH214 - MAUI HEALTH SYSTEM, A KFH LLC			
		OPERATING	HTH	A	8,923,000 A
			HTH	11,585,000 V	0 V
		INVESTMENT CAPITAL	HTH	6,000,000 C	33,150,000 C
			HTH	0 V	V
12A.		HTH215 - HHSC - OAHU REGION			
		OPERATING	HTH	A	16,320,700 A
				*	440.00 *
			HTH	B	35,000,000 B
		INVESTMENT CAPITAL	HTH	C	3,000,000 C
13.		HTH420 - ADULT MENTAL HEALTH - OUTPATIENT			
				177.50 *	179.50 *
				87.50 #	90.50 #
		OPERATING	HTH	58,152,953 A	58,660,783 A
			HTH	11,610,000 B	11,610,000 B
				1.00 #	1.00 #
			HTH	2,333,370 N	2,333,370 N

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
14.	HTH430	- ADULT MENTAL HEALTH - INPATIENT		737.00*	721.00*
				23.00#	20.00#
	OPERATING		HTH	87,811,711 A	91,255,520 A
			HTH	6,180,433 V	V
	INVESTMENT CAPITAL		AGS	4,700,000 C	5,600,000 C
15.	HTH440	- ALCOHOL AND DRUG ABUSE DIVISION		29.00*	29.00*
	OPERATING		HTH	20,222,028 A	20,222,028 A
			HTH	750,000 B	750,000 B
			HTH	8,857,980 N	8,857,980 N
				7.50#	8.00#
			HTH	6,570,543 P	6,570,543 P
16.	HTH460	- CHILD AND ADOLESCENT MENTAL HEALTH		162.00*	159.50*
				10.50#	8.00#
	OPERATING		HTH	43,394,645 A	43,394,645 A
				17.00*	29.00*
				6.00#	0.00#
			HTH	15,206,904 B	15,206,904 B
				5.00#	5.00#
			HTH	2,339,630 N	2,339,630 N
				2.00#	2.00#
			HTH	2,281,992 U	2,281,992 U
17.	HTH501	- DEVELOPMENTAL DISABILITIES		194.75*	205.00*
				3.00#	2.00#
	OPERATING		HTH	89,414,764 A	99,534,823 A
				3.00*	6.00*
			HTH	7,474,994 B	7,767,138 B
18.	HTH495	- BEHAVIORAL HEALTH ADMINISTRATION		39.50*	40.50*
				39.50#	39.50#
	OPERATING		HTH	6,328,289 A	6,264,779 A
				1.00#	1.00#
			HTH	137,363 P	137,363 P
19.	HTH610	- ENVIRONMENTAL HEALTH SERVICES		123.00*	125.00*
	OPERATING		HTH	7,771,989 A	8,093,796 A
				30.00*	28.00*
			HTH	3,845,848 B	3,895,848 B
				2.00*	2.00*
			HTH	158,000 N	158,000 N
				3.00*	3.00*
			HTH	253,073 U	253,073 U
				2.00*	2.00*
			HTH	430,447 P	396,994 P
20.	HTH710	- STATE LABORATORY SERVICES		72.00*	72.00*
				1.00#	1.00#
	OPERATING		HTH	8,047,815 A	22,080,977 A
				#	2.00#
			HTH	B	201,000 B
				9.00#	9.00#
			HTH	1,029,222 N	1,029,222 N

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023	
				2.00 #	2.00 #	
			HTH	644,990 P	429,999 P	
		INVESTMENT CAPITAL	AGS	772,000 C	C	
21.	HTH720	HEALTH CARE ASSURANCE				
				24.40 *	21.50 *	
				2.00 #	2.00 #	
		OPERATING	HTH	3,204,264 A	3,541,516 A	
				*	2.35 *	
			HTH	1,315,000 B	2,025,000 B	
				18.40 *	20.15 *	
			HTH	4,841,562 P	4,841,562 P	
22.	HTH906	STATE HEALTH PLANNING AND DEVELOPMENT AGENCY				
				6.00 *	6.00 *	
		OPERATING	HTH	475,769 A	532,390 A	
			HTH	114,000 B	114,000 B	
23.	HTH760	HEALTH STATUS MONITORING				
				32.50 *	32.50 *	
		OPERATING	HTH	1,348,789 A	2,425,634 A	
				2.00 #	2.00 #	
			HTH	520,349 B	520,349 B	
				5.00 *	5.00 *	
			HTH	495,901 P	495,901 P	
24.	HTH905	DEVELOPMENTAL DISABILITIES COUNCIL				
				2.50 *	2.50 *	
		OPERATING	HTH	246,563 A	246,563 A	
				5.00 *	5.00 *	
			HTH	514,000 N	527,570 N	
25.	HTH907	GENERAL ADMINISTRATION				
				126.00 *	134.00 *	
				5.00 #	5.00 #	
		OPERATING	HTH	9,140,986 A	9,666,512 A	
				8.00 *	8.00 *	
				20.00 #	20.00 #	
			HTH	5,275,000 N	5,275,000 N	
				5.00 #	5.00 #	
		INVESTMENT CAPITAL	HTH	800,000 P	800,000 P	
			AGS	4,000,000 C	C	
			TRN	C	2,100,000 C	
26.	HTH908	OFFICE OF LANGUAGE ACCESS				
				5.00 *	6.00 *	
		OPERATING	HTH	469,262 A	683,728 A	
F. SOCIAL SERVICES						
1.	HMS301	CHILD PROTECTIVE SERVICES				
				223.30 *	217.00 *	
		OPERATING	HMS	35,686,621 A	40,173,919 A	
				*	1.00 *	
			HMS	1,007,587 B	1,163,425 B	
				175.20 *	171.50 *	
			HMS	44,098,588 N	43,704,026 N	
			HMS	106,225 P	106,225 P	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
2.	HMS302 - GENERAL SUPPORT FOR CHILD CARE			25.85*	38.35*
	OPERATING		HMS	1,946,366 A	3,072,601 A
				25.15*	37.65*
			HMS	11,920,864 N	15,880,677 N
3.	HMS303 - CHILD PROTECTIVE SERVICES PAYMENTS				
	OPERATING		HMS	47,765,586 A	47,765,586 A
			HMS	26,110,014 N	29,350,000 N
4.	HMS305 - CASH SUPPORT FOR CHILD CARE				
	OPERATING		HMS	18,051,811 A	25,011,811 A
			HMS	69,565,754 N	69,565,754 N
5.	HMS501 - IN-COMMUNITY YOUTH PROGRAMS			14.50*	13.50*
	OPERATING		HMS	7,214,008 A	7,179,988 A
				0.50*	0.50*
				0.50#	0.50#
			HMS	2,456,919 N	2,456,919 N
			HMS	832,500 V	832,500 V 0 ³
6.	HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)			93.00*	93.00*
	OPERATING		HMS	8,290,355 A	9,202,491 A
			HMS	520,000 V	520,000 V 0 ³
7.	DEF112 - SERVICES TO VETERANS			28.00*	28.00*
	OPERATING		DEF	1,932,435 A	2,702,435 A
	INVESTMENT CAPITAL		DEF	500,000 C	C
			DEF	1,200,000 P	3,210,000 P
8.	HMS601 - ADULT PROTECTIVE AND COMMUNITY SERVICES			72.48*	67.48*
	OPERATING		HMS	5,815,844 A	5,389,244 A
				7.02*	7.02*
				3.00#	3.00#
			HMS	3,988,661 N	3,988,661 N
			HMS	10,000 R	10,000 R
			HMS	387,560 U	387,560 U
			HMS	1,321,390 P	1,321,390 P
9.	HMS202 - AGED, BLIND AND DISABLED PAYMENTS				
	OPERATING		HMS	4,029,480 A	4,029,480 A
10.	HMS204 - GENERAL ASSISTANCE PAYMENTS				
	OPERATING		HMS	23,889,056 A	23,889,056 A
			HMS	3,000,000 B	3,000,000 B
			HMS	0 V	V
11.	HMS206 - FEDERAL ASSISTANCE PAYMENTS				
	OPERATING		HMS	5,703,592 N	5,703,592 N
12.	HMS211 - CASH SUPPORT FOR FAMILIES - SELF-SUFFICIENCY				
	OPERATING		HMS	22,694,156 A	26,715,965 A
			HMS	44,000,000 N	44,000,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
13.	HMS220	RENTAL HOUSING SERVICES			
	OPERATING		HMS	4,438,022 A 181.00 *	4,438,022 A 181.00 *
				4.50 #	4.50 #
			HMS	80,637,015 N 15.00 *	80,637,015 N 15.00 *
	INVESTMENT CAPITAL		HMS	4,768,799 W	4,768,799 W
			HMS	10,000,000 C	20,000,000 C
14.	HMS229	HAWAII PUBLIC HOUSING AUTHORITY ADMINISTRATION			
				76.00 *	67.00 *
				41.00 #	34.00 #
	OPERATING		HMS	40,373,761 N 50.00 *	38,465,621 N 62.00 *
				18.00 #	22.00 #
			HMS	6,319,648 W	8,249,088 W
15.	HMS222	RENTAL ASSISTANCE SERVICES			
	OPERATING		HMS	1,039,166 A 28.00 *	1,539,166 A 34.00 *
				1.00 #	1.00 #
			HMS	42,933,231 N	53,702,333 N
			HMS	500,000 V	V
16.	HMS224	HOMELESS SERVICES			
	OPERATING		HMS	11.00 *	11.00 *
			HMS	15,600,452 A	15,600,452 A
			HMS	720,000 N	720,000 N
			HMS	10,800,000 V	10,800,000 V 0 ³
			HMS	2,366,839 P	0 P
17.	HMS605	COMMUNITY-BASED RESIDENTIAL SUPPORT			
	OPERATING		HMS	17,810,955 A	17,810,955 A
18.	HMS401	HEALTH CARE PAYMENTS			
	OPERATING		HMS	982,477,598 A	1,004,309,293 A
			HMS	1,376,660 B	1,376,660 B
			HMS	1,803,909,546 N	1,824,486,527 N
			HMS	6,781,921 U	6,781,921 U
			HMS	13,474,795 P	13,474,795 P
19.	HMS236	CASE MANAGEMENT FOR SELF-SUFFICIENCY			
	OPERATING		HMS	289.63 *	289.63 *
			HMS	15,952,885 A	16,750,036 A
				228.37 *	228.37 *
			HMS	25,977,079 N	25,893,369 N
			HMS	30,237 P	30,237 P
20.	HMS238	DISABILITY DETERMINATION			
	OPERATING		HMS	50.00 *	50.00 *
				8,290,218 N	8,859,927 N
21.	ATG500	CHILD SUPPORT ENFORCEMENT SERVICES			
				70.72 *	69.36 *
				0.34 #	0.34 #
	OPERATING		ATG	4,701,166 A	6,949,955 A
			ATG	2,231,224 T	2,231,224 T
				137.28 *	134.64 *
				0.66 #	0.66 #
			ATG	15,880,241 P	20,335,241 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
22.	HMS237 - EMPLOYMENT AND TRAINING		HMS	469,505 A	469,505 A
	OPERATING		HMS	1,470,017 N	1,470,017 N
23.	HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS		HHL	A	10,000,000 A
	OPERATING		HHL	4,824,709 B	4,824,709 B
				4.00 *	4.00 *
				2.00 #	2.00 #
			HHL	23,318,527 N	58,318,527 N
			HHL	3,740,534 T	3,740,534 T
			HHL	7,000,000 W	7,000,000 W
	INVESTMENT CAPITAL		HHL	36,000,000 C	37,000,000 C
24.	HHL625 - ADMINISTRATION AND OPERATING SUPPORT			200.00 *	200.00 *
	OPERATING		HHL	14,751,668 A	15,795,216 A
25.	HTH904 - EXECUTIVE OFFICE ON AGING			8.10 *	13.60 *
				3.35 #	2.85 #
	OPERATING		HTH	10,898,358 A	15,324,358 A
				6.90 *	7.40 *
				2.00 #	1.50 #
			HTH	10,426,456 N	10,426,456 N
			HTH	1,500,000 V	V
				8.00 #	8.00 #
			HTH	1,223,791 P	1,223,791 P
26.	HTH520 - DISABILITY AND COMMUNICATIONS ACCESS BOARD			11.00 *	11.00 *
	OPERATING		HTH	820,779 A	881,559 A
				8.00 *	8.00 *
			HTH	1,263,722 B	1,263,722 B
				2.00 *	2.00 *
			HTH	299,731 U	299,731 U
27.	HMS902 - GENERAL SUPPORT FOR HEALTH CARE PAYMENTS			136.50 *	136.50 *
				5.50 #	5.50 #
	OPERATING		HMS	14,365,947 A	15,290,711 A
				0.56 *	0.56 *
			HMS	1,546,792 B	1,546,792 B
				144.69 *	144.69 *
				17.50 #	17.50 #
			HMS	80,336,597 N	80,451,369 N
			HMS	900,000 P	900,000 P
28.	HMS903 - GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES			47.08 *	47.08 *
				1.59 #	0.00 #
	OPERATING		HMS	36,629,251 A	41,362,816 A
				42.92 *	42.92 *
				1.41 #	0.00 #
			HMS	75,551,067 N	101,807,417 N
			HMS	3,000 P	3,000 P
29.	HMS904 - GENERAL ADMINISTRATION - DHS			140.30 *	147.25 *
				10.00 #	10.00 #

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
		OPERATING	HMS	11,385,514 A 29.70 *	12,270,230 A 30.75 *
			HMS	4,539,101 N 1.00 #	4,734,481 N 1.00 #
			HMS	77,064 V	2,577,064 V 0 ³
			HMS	1,500 P	1,500 P
30.		HMS901 - GENERAL SUPPORT FOR SOCIAL SERVICES		18.25 *	29.55 *
		OPERATING	HMS	2,224,695 A 8.75 *	3,061,154 A 13.45 *
			HMS	2,004,992 N	3,287,144 N
G. FORMAL EDUCATION					
1.		EDN100 - SCHOOL-BASED BUDGETING		12,427.25 * 680.25 #	12,444.75 * 680.25 #
		OPERATING	EDN	1,026,797,623 A	1,237,131,938 A
			EDN	5,251,693 B 1.00 *	5,751,693 B 0.00 *
			EDN	139,594,736 N	138,670,617 N
			EDN	13,390,000 T	13,390,000 T
			EDN	7,495,605 U	7,495,605 U
			EDN	2,421,333 W	2,421,333 W
			EDN	9,249,999 P	7,749,999 P
		INVESTMENT CAPITAL	EDN	391,769,000 C	498,615,000 C
			EDN	0 V	V
			EDN	P	77,600,000 P
2.		EDN150 - SPECIAL EDUCATION AND STUDENT SUPPORT SERVICES		5,238.50 * 1,228.25 #	5,256.50 * 1,228.25 #
		OPERATING	EDN	401,006,367 A	410,312,716 A
			EDN	250,000 B 2.00 *	250,000 B 2.00 *
				33.00 #	33.00 #
			EDN	56,891,470 N	52,164,701 N
				5.00 *	8.00 *
			EDN	3,487,465 W	3,624,433 W
3.		EDN200 - INSTRUCTIONAL SUPPORT		408.00 * 82.00 #	423.00 * 81.00 #
		OPERATING	EDN	50,959,787 A	71,225,932 A
				11.00 *	11.00 *
			EDN	2,396,308 B	2,396,308 B
				2.00 #	2.00 #
			EDN	12,885,526 N	900,000 N
				1.00 #	1.00 #
			EDN	273,794 P	273,794 P
4.		EDN300 - STATE ADMINISTRATION		356.50 * 4.00 #	397.00 * 8.00 #
		OPERATING	EDN	37,006,924 A	57,515,212 A
			EDN	4,176,199 N	112,140 N
			EDN	30,000 P	30,000 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
5.	EDN400	SCHOOL SUPPORT		848.50 *	857.50 *
				4.00 #	4.00 #
	OPERATING		EDN	154,743,255 A	231,775,541 A
				11.00 *	11.00 *
			EDN	44,150,566 B	44,150,566 B
				718.50 *	718.50 *
				98.50 #	98.50 #
			EDN	66,909,304 N	66,097,300 N
			EDN	150,000 R	150,000 R
				5.00 *	4.00 *
				2.00 #	2.00 #
	INVESTMENT CAPITAL		EDN	8,107,619 W	8,064,463 W
			EDN	5,000,000 C	5,000,000 C
			EDN	0 V	V
6.	EDN450	SCHOOL FACILITIES AUTHORITY		*	4.00 *
	OPERATING		EDN	300,001 A	1,300,001 A
	INVESTMENT CAPITAL		EDN	C	20,100,000 C
			EDN	N	355,000,000 N
7.	EDN500	SCHOOL COMMUNITY SERVICES		35.00 *	38.00 *
				5.00 #	6.00 #
	OPERATING		EDN	4,231,090 A	4,849,012 A
				1.00 *	1.00 *
			EDN	1,731,000 B	1,731,000 B
				2.00 #	2.00 #
			EDN	3,266,757 N	3,266,757 N
			EDN	2,260,000 T	2,260,000 T
			EDN	11,724,665 W	11,724,665 W
8.	EDN600	CHARTER SCHOOLS			
	OPERATING		EDN	95,767,659 A	118,622,790 A
			EDN	5,042,000 N	5,042,000 N
	INVESTMENT CAPITAL		EDN	2,380,000 C	1,150,000 C
9.	EDN612	CHARTER SCHOOLS COMMISSION AND ADMINISTRATION		20.12 *	21.12 *
	OPERATING		EDN	4,340,747 A	6,437,949 A
				6.88 *	6.88 *
			EDN	1,800,000 N	1,800,000 N
10.	EDN700	EARLY LEARNING		94.00 *	94.00 *
	OPERATING		EDN	7,073,037 A	7,073,037 A
			EDN	B	100,000 B
				1.00 #	1.00 #
			EDN	125,628 N	125,628 N
11.	BUF745	RETIREMENT BENEFITS - DOE			
	OPERATING		BUF	469,037,723 A	488,052,784 A
12.	BUF765	HEALTH PREMIUM PAYMENTS - DOE			
	OPERATING		BUF	151,805,813 A	151,427,421 A
13.	BUF725	DEBT SERVICE PAYMENTS - DOE			
	OPERATING		BUF	402,052,729 A	414,210,429 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
14.	AGS807	SCHOOL R&M, NEIGHBOR ISLAND DISTRICTS			
	OPERATING		AGS	76.00 * 5,525,045 A	75.00 * 5,755,493 A
			AGS	7.00 * 1,799,626 U	9.00 * 2,002,522 U
15.	EDN407	PUBLIC LIBRARIES			
	OPERATING		EDN	563.50 * 39,109,197 A	563.50 * 42,143,716 A
			EDN	4,000,000 B	4,000,000 B
	INVESTMENT CAPITAL		EDN	1,365,244 N	1,365,244 N
			AGS	25,200,000 C	41,900,000 C
			AGS	0 V	V
16.	DEF114	HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY			
	OPERATING		DEF	24.25 # 1,476,061 A	24.50 # 1,484,461 A
			DEF	72.75 #	73.50 #
	INVESTMENT CAPITAL		DEF	5,559,808 P	5,559,808 P
			DEF	C	450,000 C
17.	UOH100	UNIVERSITY OF HAWAII, MANOA			
	OPERATING		UOH	2,943.14 * 42.25 # 208,123,099 A	2,950.14 * 42.25 # 252,527,463 A
			UOH	377.25 * 2.00 # 361,506,629 B	377.25 * 2.00 # 361,506,629 B
			UOH	77.06 * 6,873,565 N	77.06 * 6,873,565 N
			UOH	1,200,000 V	V
			UOH	28.00 *	28.00 *
	INVESTMENT CAPITAL		UOH	65,293,844 W	65,293,844 W
			UOH	39,300,000 C	46,500,000 C
18.	UOH110	UNIVERSITY OF HAWAII, JOHN A. BURNS SCHOOL OF MEDICINE			
	OPERATING		UOH	199.03 * 3.50 # 20,006,565 A	205.03 * 3.50 # 22,876,565 A
			UOH	27,958,949 B	27,958,949 B
			UOH	8,009,939 W	8,009,939 W
19.	UOH210	UNIVERSITY OF HAWAII, HILO			
	OPERATING		UOH	499.25 * 7.00 # 37,405,121 A	520.25 * 7.00 # 44,695,912 A
			UOH	64.00 *	64.00 *
			UOH	46,977,520 B	47,227,520 B
			UOH	443,962 N	443,962 N
			UOH	2.00 *	2.00 *
	INVESTMENT CAPITAL		UOH	7,448,487 W	7,448,487 W
			UOH	2,200,000 C	C
			UOH	0 V	V
20.	UOH220	SMALL BUSINESS DEVELOPMENT			
	OPERATING		UOH	1.00 # 978,941 A	11.00 # 978,941 A

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
21.	UOH700	UNIVERSITY OF HAWAII, WEST OAHU		234.50*	234.50*
				1.50#	1.50#
	OPERATING		UOH	18,422,365 A	19,502,365 A
			UOH	20,360,009 B	20,360,009 B
			UOH	802,037 N	802,037 N
			UOH	2,074,774 W	2,074,774 W
	INVESTMENT CAPITAL		UOH	3,500,000 C	C
22.	UOH800	UNIVERSITY OF HAWAII, COMMUNITY COLLEGES		1,753.50*	1,776.50*
				46.00#	46.00#
	OPERATING		UOH	153,428,519 A	161,790,840 A
				34.00*	0.00*
			UOH	100,630,837 B	75,630,837 B
				0.50*	0.50*
			UOH	4,428,296 N	4,428,296 N
			UOH	1,300,000 V	1,300,000 V
				*	34.00*
			UOH	6,580,086 W	31,824,086 W
	INVESTMENT CAPITAL		UOH	100,500,000 C	55,500,000 C
23.	UOH900	UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT		416.00*	423.00*
				1.00#	1.00#
	OPERATING		UOH	55,875,998 A	60,812,190 A
				20.00*	20.00*
			UOH	20,771,608 B	20,771,608 B
				4.00*	4.00*
				4.00#	4.00#
			UOH	1,094,875 N	1,094,875 N
				15.00*	15.00*
			UOH	18,459,893 W	18,459,893 W
	INVESTMENT CAPITAL		UOH	57,350,000 C	58,400,000 C
			UOH	E	1,800,000 E
24.	BUF748	RETIREMENT BENEFITS - UH			
	OPERATING		BUF	199,541,901 A	198,502,486 A
25.	BUF768	HEALTH PREMIUM PAYMENTS - UH			
	OPERATING		BUF	56,202,093 A	54,663,003 A
26.	BUF728	DEBT SERVICE PAYMENTS - UH			
	OPERATING		BUF	148,799,176 A	153,298,724 A
27.	UOH115	UNIVERSITY OF HAWAII, CANCER CENTER			
	OPERATING		UOH	3,098,055 A	3,098,055 A
H. CULTURE AND RECREATION					
1.	UOH881	AQUARIA			
				9.00*	9.00*
	OPERATING		UOH	816,537 A	816,537 A
				7.00*	7.00*
			UOH	3,517,141 B	3,517,141 B
			UOH	1,000,000 V	V
			UOH	996,499 W	996,499 W

PROGRAM APPROPRIATIONS

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				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
2.	AGS881	- STATE FOUNDATION ON CULTURE AND THE ARTS			
	OPERATING		AGS	1.50 * 825,454 A 16.00 * 1.00 #	1.50 * 20,325,454 A 16.00 * 1.00 #
			AGS	5,585,735 B 4.50 *	5,585,735 B 4.50 *
			AGS	1,608,026 N 1.00 #	1,555,026 N 1.00 #
			AGS	70,175 T	70,175 T
			AGS	1,346,000 V	700,000 0 ³
3.	LNR802	- HISTORIC PRESERVATION			
	OPERATING		LNR	31.00 * 2,174,884 A 3.00 *	45.00 * 3,443,482 A 3.00 *
			LNR	495,902 B 6.00 *	878,754 B 6.00 *
			LNR	597,515 N	622,136 N
4.	LNR804	- FOREST AND OUTDOOR RECREATION			
	OPERATING		LNR	33.00 * 1,893,781 A 2.00 *	34.00 * 4,381,634 A 3.00 *
			LNR	816,713 B 18.50 *	881,077 B 18.50 *
			LNR	5,278,462 N 3.00 *	5,344,580 N 3.00 *
	INVESTMENT CAPITAL		LNR	626,435 W	776,435 W
			LNR	900,000 C	350,000 C
5.	LNR805	- DISTRICT RESOURCE MANAGEMENT			
	OPERATING		LNR	22.00 * 1,324,529 A 0.25 #	23.00 * 1,404,199 A 0.25 #
			LNR	104,910 B 0.75 #	307,107 B 0.75 #
			LNR	1,900,000 N	1,900,000 N
6.	LNR806	- PARKS ADMINISTRATION AND OPERATION			
	OPERATING		LNR	127.00 * 10,716,714 A 3,094,536 B	155.00 * 11,990,874 A 15,094,536 B
			LNR	728,081 S	728,081 S
			LNR	728,080 V	728,080 0 ³
	INVESTMENT CAPITAL		LNR	25,360,000 C	12,100,000 C
			LNR	500,000 N	850,000 N
7.	LNR801	- OCEAN-BASED RECREATION			
	OPERATING		LNR	10.00 * 445,255 A 114.00 *	10.00 * 4,945,255 A 117.00 *
			LNR	22,382,995 B	26,150,966 B
			LNR	1,500,000 N	1,500,000 N
	INVESTMENT CAPITAL		LNR	7,540,000 C	20,825,000 C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
8.	AGS889	SPECTATOR EVENTS AND SHOWS - ALOHA STADIUM OPERATING	AGS	A 32.50* 1.00#	50,000,000 A 18.50* 1.00#
			AGS	9,199,019 B	9,199,019 B
			AGS	2,300,000 V	0 V
I. PUBLIC SAFETY					
1.	PSD402	HALAWA CORRECTIONAL FACILITY OPERATING	PSD	411.00* 28,264,167 A	411.00* 32,486,412 A
2.	PSD403	KULANI CORRECTIONAL FACILITY OPERATING	PSD	83.00* 6,237,072 A	83.00* 6,352,134 A
3.	PSD404	WAIAWA CORRECTIONAL FACILITY OPERATING	PSD	113.00* 7,241,371 A	113.00* 7,991,234 A
4.	PSD405	HAWAII COMMUNITY CORRECTIONAL CENTER OPERATING	PSD	171.00* 11,386,538 A	193.00* 12,772,033 A
5.	PSD406	MAUI COMMUNITY CORRECTIONAL CENTER OPERATING	PSD	187.00* 11,281,892 A 3.00#	205.00* 14,177,769 A 3.00#
			PSD	209,721 S	209,721 S
6.	PSD407	OAHU COMMUNITY CORRECTIONAL CENTER OPERATING	PSD	501.00* 33,999,717 A	501.00* 38,413,690 A
7.	PSD408	KAUAI COMMUNITY CORRECTIONAL CENTER OPERATING	PSD	74.00* 5,555,519 A	74.00* 6,021,582 A
8.	PSD409	WOMEN'S COMMUNITY CORRECTIONAL CENTER OPERATING	PSD	159.00* 10,576,971 A	270.00* 16,321,574 A
9.	PSD410	INTAKE SERVICE CENTERS OPERATING	PSD	61.00* 4,030,149 A	73.00* 4,998,838 A
10.	PSD420	CORRECTIONS PROGRAM SERVICES OPERATING	PSD	167.00* 22,685,878 A 1,045,989 N	177.00* 24,291,563 A 1,045,989 N
11.	PSD421	HEALTH CARE OPERATING	PSD	208.60* 27,468,151 A	259.60* 33,271,024 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
12.	PSD422	HAWAII CORRECTIONAL INDUSTRIES		2.00 * 42.00 #	2.00 * 42.00 #
	OPERATING		PSD	10,441,796 W	10,641,796 W
13.	PSD808	NON-STATE FACILITIES		9.00 *	9.00 *
	OPERATING		PSD	46,205,433 A	46,251,909 A
14.	PSD502	NARCOTICS ENFORCEMENT		16.00 *	16.00 *
	OPERATING		PSD	1,245,172 A	1,459,840 A
			PSD	8.00 *	8.00 *
			PSD	980,209 W	980,209 W
			PSD	200,000 P	800,000 P
15.	PSD503	SHERIFF		277.00 *	297.00 *
	OPERATING		PSD	20,693,490 A	22,984,313 A
			PSD	600,000 N	600,000 N
			PSD	80.00 *	80.00 *
			PSD	10,575,933 U	10,575,933 U
			PSD	P	600,000 P
16.	PSD611	ADULT PAROLE DETERMINATIONS		7.00 *	7.00 *
	OPERATING		PSD	554,386 A	554,386 A
17.	PSD612	ADULT PAROLE SUPERVISION AND COUNSELING		61.00 *	61.00 *
	OPERATING		PSD	4,310,980 A	4,745,643 A
18.	PSD613	CRIME VICTIM COMPENSATION COMMISSION		5.00 *	11.00 *
	OPERATING		PSD	1,142,725 A	1,093,371 A
			PSD	8.00 *	2.00 *
			PSD	2,161,871 B	1,186,017 B
			PSD	1.00 #	1.00 #
			PSD	859,315 P	859,315 P
19.	PSD900	GENERAL ADMINISTRATION		139.00 *	145.00 *
	OPERATING		PSD	26,532,428 A	17,678,667 A
			PSD	1.00 *	4.00 *
			PSD	978,501 B	1,278,501 B
			PSD	75,065 T	75,065 T
	INVESTMENT CAPITAL		AGS	39,968,000 C	35,500,000 C
			PSD	3,000,000 C	3,000,000 C
20.	ATG231	STATE CRIMINAL JUSTICE INFORMATION AND IDENTIFICATION		23.50 *	22.50 *
	OPERATING		ATG	1,958,991 A	1,958,991 A
			ATG	25.50 *	24.50 *
			ATG	3,695,927 W	3,734,657 W
			ATG	1.00 #	0.00 #
			ATG	1,246,182 P	1,138,985 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
21.	LNR810 - PREVENTION OF NATURAL DISASTERS			8.00*	8.00*
	OPERATING		LNR	2,427,576 B	2,471,589 B
			LNR	460,000 P	247,180 P
22.	DEF110 - AMELIORATION OF PHYSICAL DISASTERS			98.75*	100.00*
	OPERATING		DEF	5.50#	5.50#
			DEF	7,875,999 A	8,130,263 A
				4.00*	4.00*
			DEF	3.00#	5.00#
			DEF	5,042,445 N	5,301,226 N
				19.25*	21.00*
			DEF	1.00#	2.00#
	INVESTMENT CAPITAL		AGS	7,454,193 P	7,421,769 P
				5,750,000 C	0 C
23.	DEF116 - HAWAII ARMY AND AIR NATIONAL GUARD			19.75*	19.75*
	OPERATING		DEF	4,589,484 A	5,018,683 A
				75.25*	83.25*
				35.00#	32.00#
			DEF	38,632,102 P	38,992,393 P
24.	DEF118 - HAWAII EMERGENCY MANAGEMENT AGENCY			18.50*	20.50*
	OPERATING		DEF	49.75#	42.75#
				3,568,308 A	51,680,292 A
					16,680,292 A ³
				7.50*	5.50*
				11.00#	24.50#
			DEF	5,716,983 N	5,799,068 N
				11.25#	20.75#
	INVESTMENT CAPITAL		DEF	21,622,973 P	46,703,938 P
			AGS	C	3,000,000 C
			DEF	C	5,000,000 C
			AGS	P	6,000,000 P

J. INDIVIDUAL RIGHTS

1.	CCA102 - CABLE TELEVISION			7.00*	7.00*
	OPERATING		CCA	2,566,872 B	2,566,872 B
2.	CCA103 - CONSUMER ADVOCATE FOR COMMUNICATION, UTILITIES, AND TRANSPORTATION SERVICES			25.00*	25.00*
	OPERATING		CCA	4,604,311 B	4,604,311 B
3.	CCA104 - FINANCIAL SERVICES REGULATION			40.00*	43.00*
	OPERATING		CCA	5,336,797 B	5,803,367 B
			CCA	301,000 T	301,000 T

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
4.		CCA105 - PROFESSIONAL AND VOCATIONAL LICENSING		63.00*	71.00*
				11.00#	11.00#
	OPERATING		CCA	8,117,600B	8,664,561B
				8.00*	8.00*
			CCA	5.00#	4.00#
				2,853,246T	2,778,126T
5.		CCA106 - INSURANCE REGULATORY SERVICES		95.00*	95.00*
	OPERATING		CCA	19,707,597B	20,218,039B
			CCA	201,000T	201,000T
6.		CCA107 - POST-SECONDARY EDUCATION AUTHORIZATION		2.00*	2.00*
	OPERATING		CCA	306,104B	308,875B
7.		CCA901 - PUBLIC UTILITIES COMMISSION		67.00*	67.00*
	OPERATING		CCA	16,918,158B	16,918,158B
8.		CCA110 - OFFICE OF CONSUMER PROTECTION		19.00*	19.00*
				1.00#	1.00#
	OPERATING		CCA	2,893,211B	2,943,211B
			CCA	100,681T	100,681T
9.		AGR812 - MEASUREMENT STANDARDS		8.00*	10.00*
	OPERATING		AGR	692,016A	659,880A
				2.00*	0.00*
			AGR	102,624B	0B
10.		CCA111 - BUSINESS REGISTRATION AND SECURITIES REGULATION		79.00*	79.00*
	OPERATING		CCA	12,221,068B	9,221,068B
11.		CCA112 - REGULATED INDUSTRIES COMPLAINTS OFFICE		66.00*	66.00*
				1.00#	1.00#
	OPERATING		CCA	7,741,061B	7,831,037B
12.		CCA191 - GENERAL SUPPORT		51.00*	51.00*
				1.00#	1.00#
	OPERATING		CCA	9,952,858B	10,436,778B
13.		AGS105 - ENFORCEMENT OF INFORMATION PRACTICES		8.50*	8.50*
	OPERATING		AGS	809,377A	809,377A
14.		BUF151 - OFFICE OF THE PUBLIC DEFENDER		133.50*	133.50*
	OPERATING		BUF	12,507,997A	12,507,997A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
15.	LNR111	- CONVEYANCES AND RECORDINGS		57.00 *	57.00 *
				3.00 #	3.00 #
	OPERATING		LNR	7,613,533 B	7,712,956 B
16.	HMS888	- COMMISSION ON THE STATUS OF WOMEN		1.00 *	1.00 *
				1.00 #	1.00 #
	OPERATING		HMS	169,479 A	169,479 A
K. GOVERNMENT-WIDE SUPPORT					
1.	GOV100	- OFFICE OF THE GOVERNOR		21.00 *	23.00 *
				18.00 #	23.00 #
	OPERATING		GOV	3,550,536 A	3,881,965 A
	INVESTMENT CAPITAL		GOV	1,000 C	1,000 C
2.	LTG100	- OFFICE OF THE LIEUTENANT GOVERNOR		3.00 *	3.00 *
				7.00 #	8.00 #
	OPERATING		LTG	955,793 A	982,793 A
3.	BED144	- STATEWIDE PLANNING AND COORDINATION		26.00 *	25.00 *
				3.00 #	3.00 #
	OPERATING		BED	2,498,380 A	3,384,899 A
				5.00 *	6.00 *
				5.00 #	5.00 #
			BED	2,364,265 N	4,449,536 N
			BED	2,000,000 W	2,000,000 W
	INVESTMENT CAPITAL		BED	2,000,000 C	2,000,000 C
4.	BED130	- ECONOMIC PLANNING AND RESEARCH		18.46 *	18.46 *
				5.00 #	5.00 #
	OPERATING		BED	1,987,139 A	2,081,339 A
				1.54 *	1.54 *
			BED	115,317 N	115,317 N
			BED	4,000,000 V	4,000,000 V ³
				6.50 *	6.50 *
			BED	582,123 P	582,123 P
5.	BUF101	- DEPARTMENTAL ADMINISTRATION AND BUDGET DIVISION		43.00 *	51.00 *
	OPERATING		BUF	11,196,640 A	11,473,584 A
			BUF	377,575,000 B	377,575,000 B
			BUF	V	33,333,334 V ³
	INVESTMENT CAPITAL		BUF	V	115,475,000 V
5A.	BUF102	- COLLECTIVE BARGAINING STATEWIDE			
	OPERATING		BUF	A	10,393,216 A
			BUF	B	77,010 B
6.	BUF103	- VACATION PAYOUT - STATEWIDE			
	OPERATING		BUF	A	12,350,315 A
			BUF	B	491,442 B
			BUF	0 V	0 V

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
7.	AGS871 - CAMPAIGN SPENDING COMMISSION			5.00 *	5.00 *
	OPERATING		AGS	589,948 A	589,948 A
			AGS	343,732 T	1,043,732 T
8.	AGS879 - OFFICE OF ELECTIONS			16.50 *	16.50 *
	OPERATING		AGS	2,507,236 A	2,377,459 A
				8.05 #	8.05 #
				0.50 *	0.50 *
				1.00 #	1.00 #
			AGS	727,694 N	355,694 N
			AGS	60,000 V	60,000 V 0 ³
9.	TAX100 - COMPLIANCE			177.00 *	182.00 *
	OPERATING		TAX	3.00 #	3.00 #
				10,207,853 A	11,278,417 A
10.	TAX105 - TAX SERVICES AND PROCESSING			134.00 *	136.00 *
	OPERATING		TAX	76.00 #	76.00 #
				6,124,987 A	6,477,667 A
11.	TAX107 - SUPPORTING SERVICES - REVENUE COLLECTION			78.00 *	79.00 *
	OPERATING		TAX	11.00 #	9.00 #
				8,729,788 A	9,214,750 A
				13.00 #	13.00 #
			TAX	3,567,116 B	3,567,116 B
			TAX	3,241,332 V	V
	INVESTMENT CAPITAL		AGS	500,000 C	C
12.	AGS101 - ACCOUNTING SYSTEM DEVELOPMENT AND MAINTENANCE			9.00 *	9.00 *
	OPERATING		AGS	3.00 #	0.00 #
				1,034,301 A	1,647,829 A
13.	AGS102 - EXPENDITURE EXAMINATION			18.00 *	18.00 *
	OPERATING		AGS	1,439,582 A	1,544,582 A
14.	AGS103 - RECORDING AND REPORTING			13.00 *	13.00 *
	OPERATING		AGS	1,047,547 A	1,157,547 A
15.	AGS104 - INTERNAL POST AUDIT			7.00 *	7.00 *
	OPERATING		AGS	3.00 #	3.00 #
				763,311 A	940,511 A
16.	BUF115 - FINANCIAL ADMINISTRATION			15.00 *	15.00 *
	OPERATING		BUF	2,170,800 A	2,525,856 A
				9.00 *	9.00 *
			BUF	11,738,988 T	11,738,988 T

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
17.	BUF721 - DEBT SERVICE PAYMENTS - STATE OPERATING		BUF	227,286,366 A	222,882,090 A
18.	ATG100 - LEGAL SERVICES				
	OPERATING		ATG	260.58 * 22.20 # 26,316,634 A	296.24 * 22.20 # 34,017,702 A
			ATG	24.40 * 0.22 #	26.40 * 1.00 #
			ATG	3,879,671 B	4,333,198 B
			ATG	5.70 #	5.70 #
			ATG	11,880,146 N	11,712,146 N
			ATG	0.50 * 4,040,135 T	1.00 * 4,007,529 T
			ATG	117.60 * 30.60 #	120.20 * 30.60 #
			ATG	18,957,676 U	19,388,133 U
			ATG	5.60 * 1.00 #	5.60 * 1.00 #
			ATG	3,379,975 W	3,379,975 W
			ATG	20.10 * 1.00 #	21.34 * 1.00 #
			ATG	4,117,085 P	4,215,082 P
19.	AGS131 - ENTERPRISE TECHNOLOGY SERVICES				
	OPERATING		AGS	96.00 * 13.00 # 33,306,351 A	110.00 * 13.00 # 45,042,949 A
			AGS	12.00 * 1.00 #	12.00 * 1.00 #
			AGS	2,511,566 B	2,511,566 B
			AGS	33.00 * 6,312,584 U	33.00 * 6,312,584 U
	INVESTMENT CAPITAL		AGS	5,700,000 C	1,000,000 C
20.	AGS111 - ARCHIVES - RECORDS MANAGEMENT				
	OPERATING		AGS	15.00 * 1,074,231 A	16.00 * 1,133,979 A
			AGS	3.00 * 490,193 B	3.00 * 567,693 B
	INVESTMENT CAPITAL		AGS	C	1,000,000 C
21.	AGS891 - ENHANCED 911 BOARD				
	OPERATING		AGS	2.00 # 9,012,858 B	2.00 # 9,012,858 B
22.	HRD102 - WORKFORCE ATTRACTION, SELECTION, CLASSIFICATION, AND EFFECTIVENESS				
	OPERATING		HRD	76.00 * 18,109,453 A	79.00 * 18,344,589 A
			HRD	700,000 B	700,000 B
			HRD	2.00 * 5,166,134 U	2.00 * 5,166,134 U
			HRD	582,775 V	635,350 V ³
23.	HRD191 - SUPPORTING SERVICES – HUMAN RESOURCES DEVELOPMENT				
	OPERATING		HRD	9.00 * 1,474,250 A	9.00 * 1,474,250 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
24.	BUF141	EMPLOYEES' RETIREMENT SYSTEM		112.00 * 2.00 #	115.00 * 2.00 #
	OPERATING		BUF	18,954,519 X	20,102,490 X
25.	BUF143	HAWAII EMPLOYER UNION TRUST FUND		61.00 * 9,102,778 T	61.00 * 9,102,778 T
	OPERATING		BUF		
26.	BUF741	RETIREMENT BENEFITS - STATE		433,406,650 A 4,000,000 U	430,181,014 A 4,000,000 U
	OPERATING		BUF		
27.	BUF761	HEALTH PREMIUM PAYMENTS - STATE		125,841,276 A	124,258,598 A
	OPERATING		BUF		
28.	BUF762	HEALTH PREMIUM PAYMENT FOR ANNUAL REQUIRED CONTRIBUTION (ARC).		464,088,000 A	839,445,000 A
	OPERATING		BUF		
29.	LNR101	PUBLIC LANDS MANAGEMENT		1.00 # 170,264 A 56.00 * 22,727,960 B 2,000,000 B 3,150,000 C 5,600,000 N R 0 S T	1.00 # 170,264 A 64.00 * 29,033,255 B 17,400,000 B 1,850,000 C N 3,000,000 R 850,000 S 3,500,000 T
	OPERATING		LNR		
	INVESTMENT CAPITAL		LNR		
30.	AGS203	STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION		9,987,995 A 0 V 4.00 * 25,409,694 W	27,137,995 A 0 V 5.00 * 42,519,083 W
	OPERATING		AGS		
			AGS		
			AGS		
31.	AGS211	LAND SURVEY		9.00 * 785,276 A 285,000 U	10.00 * 801,836 A 285,000 U
	OPERATING		AGS		
			AGS		
32.	AGS223	OFFICE LEASING		4.00 * 5,777,534 A 5,500,000 U 0 V	8.00 * 5,444,873 A 5,500,000 U 0 V
	OPERATING		AGS		
			AGS		
			AGS		
33.	AGS221	PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION		91.00 * 1.00 # 6,167,665 A 4,000,000 W 28,800,000 C R 0 V	91.00 * 1.00 # 6,599,589 A 4,000,000 W 8,125,000 C 1,000,000 R V
	OPERATING		AGS		
	INVESTMENT CAPITAL		AGS		
			AGS		
			AGS		
			AGS		

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
34.	AGS231	CENTRAL SERVICES - CUSTODIAL SERVICES		117.00 * 1.00 #	124.00 * 1.00 #
	OPERATING		AGS	20,026,282 A	22,174,772 A
			AGS	1,699,084 U	1,699,084 U
35.	AGS232	CENTRAL SERVICES - GROUNDS MAINTENANCE		24.00 * 1,992,717 A	30.00 * 2,139,159 A
	OPERATING		AGS		
36.	AGS233	CENTRAL SERVICES - BUILDING REPAIRS AND ALTERATIONS		31.00 * 3,308,304 A	33.00 * 3,345,216 A
	OPERATING		AGS		
	INVESTMENT CAPITAL		AGS	3,100,000 C	C
37.	AGS240	STATE PROCUREMENT		19.00 * 1,433,810 A	23.00 * 1,579,010 A
	OPERATING		AGS	80,000 V	84,000 V ⁰³
38.	AGS244	SURPLUS PROPERTY MANAGEMENT		5.00 * 1,878,088 W	5.00 * 1,878,088 W
	OPERATING		AGS		
39.	AGS251	AUTOMOTIVE MANAGEMENT - MOTOR POOL		13.00 * 3,079,285 W	13.00 * 3,079,285 W
	OPERATING		AGS		
40.	AGS252	AUTOMOTIVE MANAGEMENT - PARKING CONTROL		27.00 * 3,900,370 W	27.00 * 3,866,408 W
	OPERATING		AGS		
41.	AGS901	GENERAL ADMINISTRATIVE SERVICES		35.00 * 1.00 # 4,004,934 A	41.00 * 1.00 # 4,979,673 A
	OPERATING		AGS	2.00 * 192,337 U	1.00 * 86,675 U
42.	SUB201	CITY AND COUNTY OF HONOLULU INVESTMENT CAPITAL		CCH 2,300,000 C	C C
			CCH	200,000 S	S
43.	SUB301	COUNTY OF HAWAII INVESTMENT CAPITAL		COH 12,000,000 C	6,500,000 C
			COH	6,000,000 S	5,300,000 S
44.	SUB401	COUNTY OF MAUI INVESTMENT CAPITAL		COM 3,500,000 C	21,250,000 C
			COM	3,500,000 S	21,250,000 S
45.	SUB501	COUNTY OF KAUAI INVESTMENT CAPITAL		COK 9,850,000 C	8,383,000 C
			COK	9,850,000 S	8,383,000 S ⁷⁷

SECTION 4. Part III of Act 88, Session Laws of Hawaii 2021, is amended as follows:

1. By adding a new section to read:

“SECTION 6.1. Provided that out of the general fund appropriation for agricultural resource management (AGR141), the sum of \$26,000,000 \$3,500,000³ or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended to repair and expand the spillway associated with the Wahiawa Irrigation System and to bring the spillway into compliance with all relevant dam safety requirements and to acquire a fee simple interest of tax map keys: 7-1-012-014, 7-1-012-003, 7-1-001-017, 7-1-001-013, 7-1-012-004, 7-1-012-007 associated with the Wahiawa Irrigation System and to bring the spillway into compliance with all relevant dam safety requirements and to acquire a fee simple interest in the spillway associated with the Wahiawa irrigation system; provided that the terms of sale shall be conditioned on an appraisal of the property pursuant to section 171-30, Hawaii Revised Statutes; provided further that the moneys provided for in this section shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that all moneys from the appropriation that are unencumbered as of June 30, 2024, shall lapse as of that date.”

2. By adding a new section to read:

“SECTION 6.2. Provided that of the general fund appropriation for fisheries management (LNR153), the sum of \$1,327,059 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for the payroll and operational costs of the division of fisheries management; provided further that the department of land and natural resources shall continue to work with the department of agriculture on a pilot program at Wahiawa reservoir to implement Act 223, Session Laws of Hawaii 2021; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

3. By adding a new section to read:

“SECTION 6.3. Provided that of the general fund appropriation for the Hawaii Association of Conservation Districts (LNR141), the sum of \$500,000 for fiscal year 2022-2023 shall be expended in accordance with chapter 180, Hawaii Revised Statutes; provided further that the department shall submit a report accounting for the usage of funds to the legislature no later than thirty days prior to the convening of the regular session of 2023; provided further that these funds are deemed necessary to qualify for federal aid financing and/or reimbursement.”

4. By adding a new section to read:

“SECTION 6.4. Provided that of the general fund appropriation for Hawaii housing finance and development corporation (BED160), the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for the purpose of providing, in whole or in part, loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects; provided further that the moneys provided in this section shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that any moneys that remain unencumbered on June 30, 2024, shall lapse on that date.”⁴

5. By adding a new section to read:

“TRANSPORTATION FACILITIES

SECTION 6.5. Provided that out of the special fund appropriation for highways administration (TRN595), the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for the coordinated removal of albizia and other invasive trees that potentially threaten the public roadways and utility infrastructure on public and private land; provided further that the funds are matched on a two-to-one basis from a public utilities

source; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

6. By adding a new section to read:

“ENVIRONMENTAL PROTECTION

SECTION 6.6. Provided that of the general fund appropriation for native resources and fire protection program (LNR402), the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for the Hawaii invasive species council; provided further that of the general fund appropriation, \$500,000 shall be to address the control of little fire ants and other harmful ants; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

7. By adding a new section to read:

“SECTION 8.1. Provided that of the general fund appropriation for emergency medical services and injury prevention system (HTH730), the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for emergency medical services for the island of Molokai; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

8. By adding a new section to read:

“SECTION 8.2. Provided that of the general fund appropriation for state laboratory services (HTH710), the sum of \$14,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for planning, design, repairs, renovation, scientific equipment, and modernization of existing laboratories; provided further that the funds provided in this section shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that all moneys from the appropriation that are unexpended or unencumbered as of June 30, 2024, shall lapse as of that date.”

9. By amending section 11 to read as follows:

“SECTION 11. Provided that of the general fund appropriation for school-based budgeting (EDN100), the sum of \$611,450 or so much thereof as may be necessary for fiscal year 2021-2022, and the [same] sum of \$728,469, or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for Papahana ‘O Kaiona to support the implementation of alternative learning programs[;] for students who demonstrate academic, behavioral, and social-emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities, including [~~for seven~~] eight permanent full-time equivalent [(7.0 FTE)] (8.0 FTE) positions; provided further that the funds shall be directly allocated to the Nanakuli-Waianae complex area in the department of education’s 18865 budget program account; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund.”

10. By adding a new section to read:

“Section 12.1. Provided that out of the general fund appropriation for school-based budgeting (EDN100), the sum of \$32,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for teacher differentials; provided further that moneys provided in this section shall not be counted towards charter schools per pupil funding; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

11. By adding a new section to read:

“Section 12.2. Provided that out of the general fund appropriation for school-based budgeting (EDN100), the sum of \$121,702,128 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for repricing

and other cost items pursuant to chapter 89, Hawaii Revised Statutes, relating to collective bargaining; provided further that moneys provided in this section shall not be counted towards charter schools per pupil funding; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

12. By adding a new section to read:

“SECTION 12.3. Provided that of the general fund appropriation for special education and student support services (EDN150), the sum of \$2,716,984 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for special education and student support services, including eighteen permanent full-time equivalent (18.0 FTE) registered professional nurse positions; provided further that the department of education shall establish licensed practical nurse and registered nurse positions in the school list of approved positions that may be purchased by principals for school level services; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

13. By amending section 14 to read as follows:

“SECTION 14. Provided that of the general fund appropriation for instructional support (EDN200), the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2021-2022, and the [same]² sum of \$6,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended by the areas to [establish alternative learning centers to provide identified secondary students with opportunities for student-centered engaged and supported learning environments] create alternative learning programs for students who demonstrate academic, behavioral, and social-emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities, including but not limited to facilities, equipment, properties, operating expenses, and personnel, as follows:

- (1) Kauai [District]- \$1,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided further that the funds shall be directly allocated to the Kauai district for deposit into a new account and expended to create alternative learning programs for students who demonstrate academic, behavioral, and social-emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities;
- (2) East Hawaii [District]- \$1,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided further that the funds shall be directly allocated to the East Hawaii district for deposit into a new account and expended to create alternative learning programs for students who demonstrate academic, behavioral, and social-emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities;
- (3) Maui [District]- \$1,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023; provided further that the funds shall be directly allocated to the Maui district for deposit into a new account and expended to create alternative learning programs for students who demonstrate academic, behavioral, and social-

- emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities;
- (4) Campbell[-] - Kapolei[-] and Pearl City[-, and] - Waipahu [Complexes] complex areas - \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023; provided further that the funds shall be directly allocated to the Campbell[-] - Kapolei[-] and Pearl City[-, and] - Waipahu² complex areas for deposit into a new account and expended to create alternative learning programs for students who demonstrate academic, behavioral, and social-emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities;
 - (5) West Hawaii [District]- \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023; provided further that the funds shall be directly allocated to the West Hawaii district for deposit into a new account and expended to create alternative learning programs for students who demonstrate academic, behavioral, and social-emotional challenges that require additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities; and
 - (6) Honolulu [District]- \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023;⁶ provided further that the funds shall be directly allocated to the Honolulu district for deposit into a new account and expended to create alternative learning programs for students who demonstrate academic, behavioral, and social-emotional challenges which requires additional support services within a smaller learning setting that individualize academic interventions, behavior supports, and workforce development opportunities;

provided further that each district/complex area that receives funding pursuant to this section shall allocate special education personnel, including behavioral health specialists and/or educational assistants; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund[-] on June 30, 2023.”

14. By adding a new section to read:

“Section 16.1. Provided that the department of education shall submit to the legislature, no later than twenty days prior to the convening of the regular session of 2023, a report on the development of a plan to institute an enhanced electronic human resources system to reduce the burden of routine, manual, and time-consuming tasks to enable the department to provide accurate and timely personnel services information in response to legislative inquiries; provided further that the improvements to the department’s existing electronic human resources system shall include, but not be limited to, use of a single identifier for each position in the department to ensure accurate accounting and tracking of appropriated and unappropriated positions; addition of appropriated position information, including appropriated salaries and FTE; ability to generate user-friendly, real-time reports to respond to the needs of internal and external decision-makers; and ability to interface with other related systems; provided that the plan shall address how the department will:

- (1) Solicit input from the major system user groups to identify areas that need improvement or are not being handled by the current system;

- (2) Manage the enhanced electronic human resources systems project through a neutral facilitator and ensure the needs and perspectives of the major system user groups are represented;
- (3) Ensure proper governance and clear, shared ownership of the system that provides for ongoing collaboration across offices; and
- (4) Develop an ongoing process for identifying and prioritizing system improvements to meet the ever-evolving needs of the department;

provided further that the department shall include in its report how the plan will address each of these areas, and include a timeline and cost estimate to implement the system; provided that the department of education shall submit to the legislature a report on the plan and status of implementation no later than twenty days prior to the convening of the regular session of 2024; provided further that the department of education shall submit to the legislature annual reports on the status of the enhanced electronic human resources system, no later than twenty days prior to the convening of the regular sessions of 2025 and 2026.”

15. By adding a new section to read:

“Section 16.2. Provided that out of the general fund appropriation for charter schools (EDN600), the sum of \$8,297,872 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for repricing and other cost items pursuant to chapter 89, Hawaii Revised Statutes, relating to collective bargaining; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

16. By adding a new section to read:

“Section 16.3. Provided that out of the general fund appropriation for charter schools commission and administration (EDN612), the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for teacher differentials; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

17. By adding a new section to read:

“SECTION 16.4. Provided that of the general fund appropriation for public libraries (EDN407), the sum of \$1,933,365 or so much thereof as may be necessary for fiscal year 2021-2022 shall be expended for various repairs and maintenance including but not limited to roofing, paving, window tinting, and other improvements and maintenance; provided further that the moneys provided in this section shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all moneys from the appropriation that are unexpended or unencumbered as of June 30, 2024, shall lapse as of that date.”

18. By adding a new section to read:

“CULTURE AND RECREATION

SECTION 17.1. Provided that of the general fund appropriation for ocean-based recreation (LNR801), the sum of \$4,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for the Honokohau small boat harbor wastewater infrastructure; provided further that the moneys appropriated shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that any moneys that remain unencumbered on June 30, 2024, shall lapse on that date.”

19. By adding a new section to read:

“SECTION 17.2. Provided that of the general fund appropriation for natural and physical environment (LNR906), the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended by the aha moku advisory committee pursuant to section 171-4.5, Hawaii Revised Statutes; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund on June 30, 2023.”

20. By adding a new section to read:

“SECTION 17.3. Provided that out of the general fund appropriation for spectator events and shows – Aloha Stadium (AGS889), the sum of \$49,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be deposited into the stadium development special fund, to be expended for stadium costs for operations, maintenance, and contract costs to developers of the stadium.”

21. By adding a new section to read:

“Section 18.1 Provided that of the general fund appropriation for the unrestricted Major Disaster Fund for Hawaii emergency management agency (DEF118), the sum of \$500,000 for fiscal year 2022-2023 shall be expended for preparations for disaster response and recovery by the department; provided further that an itemized report detailing the use of these funds shall be submitted to the legislature no later than August 1, 2023; provided further that any funds not expended for this purpose shall lapse to the general fund.”

22. By adding a new section to read:

“SECTION 18.2. Provided that of the general fund appropriation for the Restricted Major Disaster Fund for Hawaii emergency management agency (DEF118), the sum of \$4,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for relief from major disasters pursuant to section 127A-11, Hawaii Revised Statutes; provided further that any funds not expended for this purpose shall lapse to the general fund.”

23. By adding a new section to read:

“SECTION 18.3. Provided that of the general fund appropriation for Hawaii emergency management agency (DEF118), the sum of ~~\$35,000,000~~ \$0³ or so much thereof as may be necessary for fiscal year 2022-2023 shall be expended for infrastructure, construction, designs, equipment, and site plans for First Responder Technology Campus; provided further that the moneys provided in this section shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that any moneys that remain unencumbered on June 30, 2024, shall lapse on that date.”

24. By amending section 21 to read:

“SECTION 21. Provided that of the [~~American Rescue Plan funds~~] general fund² appropriation for vacation payout - statewide (BUF103), the sum of \$9,700,000 or so much thereof as may be necessary for [~~fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for~~] fiscal year 2022-2023 shall be expended for the purposes of reimbursing all executive departments and agencies for vacation payouts for general funded employees who have left the employ of the executive branch; provided further that any unexpended funds shall lapse to the general fund at the end of the [~~respective~~] fiscal year [~~for which the appropriation was made; and provided further that the department of budget and finance shall only expend up to \$9,700,000 for vacation payouts, and any additional expenses incurred above this amount will be the responsibility of the individual departments and agencies~~].”

25. By adding a new section to read:

“SECTION 21.1. Provided that of the funds appropriated from the sources of funding indicated below to collective bargaining statewide (BUF102), the following sums, or so much thereof as may be necessary shall be used to fund salary cost increases for the governor, the lieutenant governor, and specified appointed officials of the executive branch, pursuant to the 2019 commission on salaries report to the 2019 legislature and Act 2, Session Laws of Hawaii 2020, as amended by Act 14, Session Laws of Hawaii 2021, for the fiscal year 2022-2023:

	<u>FY 2022-2023</u>
General Funds	<u>\$393,216</u>
Special Funds	<u>\$ 77,010;</u>

provided further that the director of finance may transfer the funds to other departments and to the departmental administration and budget division (BUF101) as needed to facilitate the payment of the salary increases.”

26. By adding a new section to read:

“SECTION 21.2. Provided that of the funds appropriated from the sources of funding indicated below to vacation payout statewide (BUF103), the following sums or so much thereof as may be necessary shall be expended for the purposes of reimbursing all executive departments and agencies for vacation payouts for exiting cabinet members and private secretaries and staff of the governor’s and the lieutenant governor’s offices for fiscal year 2022-2023:

	<u>FY 2022-2023</u>
<u>General Funds</u>	<u>\$2,650,315</u>
<u>Special Funds</u>	<u>\$ 491,442;</u>

provided further that any unexpended funds shall lapse to the general fund at the end of the fiscal year.”

SECTION 5. Part IV, Act 88, Session Laws of Hawaii 2021, is amended by amending section 26 to read as follows:

“SECTION 26. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The sums of money appropriated or authorized in part II of this Act for capital improvements shall be expended for the projects listed below. Accounting of the appropriations by the department of accounting and general services shall be based on the projects as such projects are listed in this section. Several related or similar projects may be combined into a single project, if such combination is advantageous or convenient for implementation; provided that the total cost of the projects thus combined shall not exceed the total of the sum specified for the projects separately. The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
A. ECONOMIC DEVELOPMENT					
BED107 - FOREIGN TRADE ZONE					
	0.01	GUTTER REPAIR - FTZ, OAHU			
		CONSTRUCTION FOR REPAIR OF GUTTER AT FTZ9 PIER 2 FACILITY.			
		TOTAL FUNDING	BED	C	400 C
BED142 - GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT					
	0.02	HILO WASTE-TO-WEALTH ECONOMIC REVITALIZATION PROGRAM, HAWAII			
		PLANS AND DUE DILIGENCE TO SUPPORT INNOVATIVE RESOURCE RECOVERY PROJECTS; PROVIDED THAT MATCHING FUNDS BE PROVIDED BY THE COUNTY OF HAWAII.			
		TOTAL FUNDING	BED BED	C S	100 C 100 S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
0.03		NEW STADIUM, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A NEW STADIUM IN HALAWA; INCLUDING RENOVATION, RENEWAL, REFURBISHMENT, REPLACEMENT, AND NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	BED	C	350,000 C
0.04		CONVENTION CENTER REDEVELOPMENT, OAHU PLANS AND DESIGN FOR FEASIBILITY AND COST STUDIES TO REDEVELOP THE CONVENTION CENTER.			
		TOTAL FUNDING	BED	C	500 C
BED113 - TOURISM					
0.05		CONVENTION CENTER ROOFTOP TERRACE DECK REPAIR AND IMPROVEMENT, OAHU DESIGN AND CONSTRUCTION FOR REPAIR AND IMPROVEMENT OF THE CONVENTION CENTER ROOFTOP TERRACE DECK.			
		TOTAL FUNDING	BED	C	15,000 C
AGR132 - ANIMAL DISEASE CONTROL					
1.		AIRPORT ANIMAL QUARANTINE HOLDING FACILITY IMPROVEMENTS, OAHU CONSTRUCTION FOR IMPROVEMENTS TO THE AIRPORT ANIMAL QUARANTINE FACILITY.			
		TOTAL FUNDING	AGS	1,200 C	C
LNR172 - FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT					
2.		PALAMANUI FOREST CONSERVATION, HAWAII PLANS, DESIGN AND CONSTRUCTION FOR PROTECTION AND FENCING FOR ENDANGERED LOWLAND DRY FOREST ADJACENT TO THE HAWAII COMMUNITY COLLEGE PALAMANUI CAMPUS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	60 C	C
3.01		WAILUA ACCESS ROAD, KAUAI CONSTRUCTION FOR REPAIR OF QUEENSLAND CROSSING ALONG WAILUA ACCESS ROAD (LOOP ROAD); GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	LNR	C	2,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
4.		WATERSHED PROTECTION AND UNGULATE FENCING, MAUI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR WATERSHED PROTECTION AND UNGULATE FENCING FOR MAUI COUNTY; PROJECT MAY INCLUDE PLANS OR STUDIES FOR BARRIER/FENCING PLACEMENT; PROJECT MAY INCLUDE UPCOUNTRY AND OTHER CRITICAL WATERSHEDS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	LNR	2,800 C	C
4.01		WAIMEA STATE TREE NURSERY AND MAUI DISTRICT NURSERY, STATEWIDE PLANS, DESIGN, AND CONSTRUCTION FOR DOFAW NURSERY OPERATIONS TO SUPPORT LANDSCAPE REFORESTATION PROJECTS FOR CARBON OFFSET, WATERSHED FUNCTION, AND SUSTAINABLE ECOLOGICAL SERVICES AND PUBLIC BENEFITS.	LNR	C	500 C
AGRI41 - AGRICULTURAL RESOURCE MANAGEMENT					
5.		LOWER HAMAKUA DITCH WATERSHED PROJECT, HAWAII PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE LOWER HAMAKUA DITCH SYSTEM, TOGETHER WITH APPURTENANT WORKS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.	AGR AGR	3,250 C 1 N	C N
6.		AGRICULTURAL INFRASTRUCTURE IMPROVEMENTS, STATEWIDE PLANS, LAND ACQUISITION, AND DESIGN FOR AGRICULTURAL INFRASTRUCTURE IMPROVEMENTS, STATEWIDE.	AGR	300 C	C
7.		KAMUELA VACUUM COOLING PLANT, HAWAII PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A POST-HARVEST FACILITY AND OTHER MISCELLANEOUS IMPROVEMENTS.	AGR	750 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
8.		WAIMEA IRRIGATION SYSTEM IMPROVEMENTS, HAWAII PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE WAIMEA IRRIGATION SYSTEM.		500 C	C
		TOTAL FUNDING	AGR		
9.		AGRICULTURAL WAREHOUSES, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR WAREHOUSES ON TMK 7-1-002:009 AND 7-1-002:004 (POR).		28,000 C	C
		TOTAL FUNDING	UOH		
10.		MAUI PRODUCE PROCESSING COOPERATIVE, MAUI DESIGN, CONSTRUCTION AND EQUIPMENT FOR CRITICAL REPAIRS OF THE KULA VACUUM COOLING FACILITY AND PURCHASE AND INSTALLATION OF REFRIGERATION EQUIPMENT.		160 C	C
		TOTAL FUNDING	AGR		
10.01		HAWI RESERVOIR DECOMMISSIONING, HAWAII PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR DECOMMISSIONING THE HAWI RESERVOIR.		C R	500 C 500 R
		TOTAL FUNDING	AGR		
AGR161 - AGRIBUSINESS DEVELOPMENT AND RESEARCH					
10.02		AGRICULTURAL INFRASTRUCTURE IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO AGRICULTURAL INFRASTRUCTURE ON OAHU.		C	4,000 C
		TOTAL FUNDING	AGR		
10.03		KEKAHA DITCH IRRIGATION SYSTEM MODIFICATION, KAUAI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR MODIFICATIONS TO THE KEKAHA DITCH IRRIGATION SYSTEM.		C	3,500 C
		TOTAL FUNDING	AGR		
10.04		WAIAHOLE WATER SYSTEM IMPROVEMENTS, KUNIA, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS TO THE WAIAHOLE WATER SYSTEM AND APPURTENANT WORKS.		C	5,000 C
		TOTAL FUNDING	AGR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
10.05		WAHIAWA RECLAIMED WATER IRRIGATION SYSTEM, OAHU DESIGN FOR A NEW WASTEWATER RECLAIMED WATER IRRIGATION SYSTEM AT THE WAHIAWA WASTEWATER TREATMENT PLANT. TOTAL FUNDING	AGR	C	1,620C
AGR192 - GENERAL ADMINISTRATION FOR AGRICULTURE					
11.		MISCELLANEOUS HEALTH, SAFETY, CODE, AND OTHER REQUIREMENTS, STATEWIDE DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO ADDRESS HEALTH, SAFETY, CODE, AND OTHER REQUIREMENTS, STATEWIDE. TOTAL FUNDING	AGS	3,000C	C
LNR153 - FISHERIES MANAGEMENT					
12.		ANUENUE FISHERIES RESEARCH CENTER, OAHU DESIGN AND CONSTRUCTION FOR INSTALLATION OF PHOTOVOLTAIC SYSTEM AND RELATED IMPROVEMENTS. TOTAL FUNDING	LNR	350C	C
BED143 - HAWAII TECHNOLOGY DEVELOPMENT CORPORATION					
12.01		FIRST RESPONDERS TECHNOLOGY CAMPUS AND CYBERSECURITY DATA CENTER, OAHU PLANS, DESIGN, AND LAND ACQUISITION FOR TMKS: 9-5-046-041; 9-5-046-042; 9-5-004-001 PORTION FOR THE FIRST RESPONDERS TECHNOLOGY CAMPUS AND CYBERSECURITY DATA CENTER. TOTAL FUNDING	BED	C	47,800€ 0 ³
BED146 - NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY					
12.02		UPDATE EXISTING ENVIRONMENTAL IMPACT STATEMENT FOR NELHA, HAWAII PLANS FOR A NEW COMPREHENSIVE ENVIRONMENTAL IMPACT STATEMENT (EIS) COVERING THE ENTIRE 870-ACRE HAWAII OCEAN AND SCIENCE TECHNOLOGY PARK THAT IS ADMINISTERED BY THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY (NELHA). TOTAL FUNDING	BED	C	1,500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
12.03		DEVELOPMENT TO ACCESS DEEP LAYER AQUIFERS TO SUPPLY FRESHWATER IN WEST HAWAII, HAWAII			
		PLANS FOR EXPANDING PRIOR MARINE SURVEYS THAT HAVE DISCOVERED DEEP FRESHWATER AQUIFERS USING NON-INVASIVE MARINE ELECTRICAL IMAGING THAT WILL PROVIDE ADDITIONAL INFORMATION TO DETERMINE THE SIZE, LIKELY YIELD AND MORE EXACT DEPTHS OF THESE AQUIFERS THAT COULD BE UTILIZED AS A NEW LOW-COST FRESHWATER RESOURCE TO SUPPLY THE INCREASING DEMAND FOR WATER BY STATE AGENCIES IN WEST HAWAII.			
		TOTAL FUNDING	BED	C	500 C
LNR141 - WATER AND LAND DEVELOPMENT					
13.		ROCKFALL AND FLOOD MITIGATION, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR ROCKFALL AND FLOOD MITIGATION AT VARIOUS LOCATIONS, STATEWIDE. THE LEGISLATURE FINDS AND DECLARES THAT THE APPROPRIATION IS IN THE PUBLIC INTEREST AND FOR THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE OF THE STATE.			
		TOTAL FUNDING	LNR	2,000 C	2,000 C
14.		KALAUHAIHAI FISHPOND (LUCAS SPRING), OAHU			
		PLANS, DESIGN, AND CONSTRUCTION TO RESTORE FRESH ARTESIAN WATER BACK TO THE FISHPOND AND RELATED WORK; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	1,000 C	C
15.		PULEHUNUI WATER SOURCE AND SYSTEM DEVELOPMENT, MAUI			
		PLANS AND DESIGN FOR WATER SOURCE AND SYSTEM DEVELOPMENT NEEDED TO SUPPORT DLNR, PSD, AND DHHL PROJECTS IN PULEHUNUI, MAUI.			
		TOTAL FUNDING	LNR	1,000 C	C
16.		UPCOUNTRY MAUI WELL, MAUI			
		PLANS, LAND ACQUISITION, AND DESIGN FOR A WATER WELL AND RELATED IMPROVEMENTS IN UPCOUNTRY MAUI.			
		TOTAL FUNDING	LNR	1,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
16.01		UPOLU WELL DEVELOPMENT, HAWAII			
		DESIGN AND CONSTRUCTION FOR PUMP INSTALLATION, CONNECTING PIPELINE, CONTROLS, AND RELATED IMPROVEMENTS TO DEVELOP AN EXISTING WELL TO PROVIDE AGRICULTURAL WATER IN NORTH KOHALA, HAWAII.			
		TOTAL FUNDING	LNR	C	5,000C
BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY					
16.02		CROSSWALK IMPROVEMENTS NEAR KOLOWALU PARK, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR CROSSWALK AND SAFETY IMPROVEMENTS NEAR KOLOWALU PARK (QUEEN STREET NEAR WAIMANU STREET).			
		TOTAL FUNDING	BED	C	1,000C
16.03		KOLOWALU PARK, KAKAAKO, OAHU			
		PLANS, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS FOR KOLOWALU PARK, OAHU.			
		TOTAL FUNDING	BED	C	2,000C
16.04		CENTRAL KAKAAKO, OAHU			
		PLANS AND DESIGN FOR CENTRAL KAKAAKO STREET IMPROVEMENTS.			
		TOTAL FUNDING	BED	C	2,000C
16.05		FEASIBILITY STUDY, PULEHUNUI CORRECTIONAL FACILITY, MAUI			
		PLANS AND DESIGN FOR A FEASIBILITY STUDY TO BUILD A NEW CORRECTIONAL FACILITY IN PULEHUNUI, MAUI, INCLUDING CONSIDERATION OF LEVERAGING POTENTIAL FEDERAL FUNDING FROM USDA RURAL DEVELOPMENT AND OTHER SOURCES.			
		TOTAL FUNDING	BED	C	100C
16.06		MAUI REGIONAL PUBLIC SAFETY COMPLEX, MAUI			
		DESIGN AND CONSTRUCTION FOR A NEW MAUI REGIONAL PUBLIC SAFETY COMPLEX AT PULEHUNUI, MAUI.			
		TOTAL FUNDING	BED	N	320,000N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
16.07		PULEHUNUI IMPROVEMENTS AND INFRASTRUCTURE, MAUI			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INFRASTRUCTURE FOR PULEHUNUI; PROJECT MAY INCLUDE WATER, WASTEWATER, AND/OR RECYCLED WATER TRANSMISSION LINES FOR STATE PROJECTS AT PULEHUNUI; PROJECT MAY INCLUDE REPAIR, REFURBISHMENT, RENOVATION, AND/OR NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	BED	C	64,000C
BED160 - HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION					
17.		DWELLING UNIT REVOLVING FUND INFUSION, STATEWIDE			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE ADDITIONAL AFFORDABLE HOUSING, STATEWIDE.			
		TOTAL FUNDING	BED	C	20,000C
19.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA SENIOR AFFORDABLE HOUSING, OAHU			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE THE HPHA SENIOR AFFORDABLE HOUSING PROJECT ON OAHU.			
		TOTAL FUNDING	BED	40,000C	C
19.01		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR DHHL AFFORDABLE HOUSING, OAHU			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE THE REDEVELOPMENT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS PROPERTY AT 820 ISENBERG ST IN HONOLULU FOR RENTAL HOUSING FOR NATIVE HAWAIIAN BENEFICIARIES.			
		TOTAL FUNDING	BED	C	41,500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023

C. TRANSPORTATION FACILITIES

TRN102 - DANIEL K. INOUYE INTERNATIONAL AIRPORT

1.		DANIEL K. INOUYE INTERNATIONAL AIRPORT, SYSTEMS IMPROVEMENTS, OAHU				
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO VARIOUS SYSTEMS AT THE AIRPORT. IMPROVEMENTS MAY INCLUDE AIR CONDITIONING, BAGGAGE HANDLING, UTILITY, ENERGY CONTROLS, SECURITY, COMMUNICATIONS, LIFE SAFETY, SIGNAGE, STORM WATER, AND OTHER RELATED IMPROVEMENTS.				
		TOTAL FUNDING	TRN	18,000	E	45,000
2.		DANIEL K. INOUYE INTERNATIONAL AIRPORT, FACILITY IMPROVEMENTS, OAHU				
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS OF VARIOUS FACILITIES AND OTHER RELATED IMPROVEMENTS.				
		TOTAL FUNDING	TRN	4,500	E	50,000

TRN104 - GENERAL AVIATION

3.		DILLINGHAM AIRFIELD, AIRPORT IMPROVEMENTS, OAHU				
		DESIGN AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS AT THE AIRPORT.				
		TOTAL FUNDING	TRN	12,000	B	B
3.01		KALAELOA AIRPORT, AIRPORT IMPROVEMENTS, OAHU				
		CONSTRUCTION FOR AIRPORT IMPROVEMENTS INCLUDING STRIPING, AIRFIELD LIGHTING, NAVIGATIONAL AIDS AND UTILITY SYSTEMS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
		TOTAL FUNDING	TRN		E	22,000
			TRN		N	1N
3.02		DILLINGHAM AIRFIELD, WATER REPAIR AND MAINTENANCE, OAHU				
		CONSTRUCTION FOR WATER REPAIR AND MAINTENANCE FOR DILLINGHAM AIRFIELD, IMPROVEMENTS AND OTHER WORK.				
		TOTAL FUNDING	TRN		E	200

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
TRN111 - HILO INTERNATIONAL AIRPORT					
4.		HILO INTERNATIONAL AIRPORT, TERMINAL IMPROVEMENTS, HAWAII			
		DESIGN FOR TERMINAL IMPROVEMENTS INCLUDING THE TICKET LOBBY, HOLDROOMS, AIRPORT RESTROOMS, AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	TRN	1,400 E	E
TRN114 - ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE					
5.		ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE, FACILITY IMPROVEMENTS, HAWAII			
		CONSTRUCTION FOR IMPROVEMENTS OF VARIOUS FACILITIES AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	TRN	2,420 E	E
6.		ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE, TERMINAL IMPROVEMENTS, HAWAII			
		CONSTRUCTION OF TERMINAL IMPROVEMENTS AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	TRN	15,721 E	E
TRN131 - KAHULUI AIRPORT					
6.01		KAHULUI AIRPORT, AIRPORT IMPROVEMENTS, MAUI			
		CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT.			
		TOTAL FUNDING	TRN	E	45,000 E
TRN161 - LIHUE AIRPORT					
7.		LIHUE AIRPORT, FACILITY IMPROVEMENTS, KAUAI			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS OF VARIOUS FACILITIES AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	TRN	9,100 E	E
8.		LIHUE AIRPORT, TERMINAL IMPROVEMENTS, KAUAI			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE TERMINAL AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	TRN	15,000 E	100,000 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
TRN195 - AIRPORTS ADMINISTRATION					
9.		AIRPORTS DIVISION CAPITAL IMPROVEMENT PROGRAM PROJECT STAFF COSTS, STATEWIDE			
		PLANS, DESIGN, AND CONSTRUCTION FOR COSTS RELATED TO WAGES AND FRINGE BENEFITS FOR PERMANENT PROJECT FUNDED STAFF POSITIONS FOR THE IMPLEMENTATION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR THE DEPARTMENT OF TRANSPORTATION'S AIRPORTS DIVISION. PROJECT MAY ALSO INCLUDE FUNDS FOR NON- PERMANENT CAPITAL IMPROVEMENT PROGRAM RELATED POSITIONS (OTHER FUNDS FROM PASSENGER FACILITY CHARGES).			
		TOTAL FUNDING	TRN	4,428 B	4,428 B
			TRN	157 X	157 X
10.		AIRFIELD IMPROVEMENTS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR AIRFIELD IMPROVEMENTS AT STATEWIDE AIRPORTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	98,440 E	189,407 E
			TRN	1 N	1 N
			TRN	R	5,000 R
11.		ENVIRONMENTAL COMPLIANCE, STATEWIDE			
		DESIGN AND CONSTRUCTION OF ENVIRONMENTAL FACILITY IMPROVEMENTS AT STATEWIDE AIRPORTS.			
		TOTAL FUNDING	TRN	26,500 E	20,000 E
12.		SUPPORT SERVICES, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR MANAGEMENT SUPPORT SERVICES AT STATEWIDE AIRPORTS.			
		TOTAL FUNDING	TRN	4,000 E	4,000 E
13.		MISCELLANEOUS AIRPORT PROJECTS, STATEWIDE			
		DESIGN AND CONSTRUCTION OF IMPROVEMENTS AT VARIOUS STATE AIRPORTS, IMPROVEMENTS FOR SAFETY AND CERTIFICATION REQUIREMENTS, OPERATIONAL EFFICIENCY, AND PROJECTS REQUIRED FOR AIRPORT RELATED DEVELOPMENT.			
		TOTAL FUNDING	TRN	7,000 E	7,000 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
14.		AIRPORT PLANNING STUDY, STATEWIDE			
		PLANS FOR AIRPORT IMPROVEMENTS, ECONOMIC STUDIES, RESEARCH, PLANNING PROGRAM MANAGEMENT, NOISE MONITORING STUDIES, NOISE COMPATIBILITY STUDIES, AND ADVANCE PLANNING OF FEDERAL AID AND NON-FEDERAL AID PROJECTS.			
		TOTAL FUNDING	TRN	2,000E	2,000E
15.		AIRPORT IMPROVEMENTS, STATEWIDE			
		CONSTRUCTION FOR PREVIOUSLY APPROVED PROJECTS AT STATEWIDE AIRPORTS FOR ALTERNATE FUNDING. (OTHER FUNDS FROM PASSENGER FACILITY CHARGES).			
		TOTAL FUNDING	TRN	58,420X	X
15.01		FACILITY IMPROVEMENTS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS OF VARIOUS FACILITIES AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	TRN	E	33,000E
TRN301 - HONOLULU HARBOR					
16.		HONOLULU HARBOR IMPROVEMENTS, OAHU			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT HONOLULU HARBOR, OAHU. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4B	4B
			TRN	9,988E	29,988E
			TRN	4N	4N
			TRN	4R	4R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023

TRN303 - KALAELOA BARBERS POINT HARBOR

17. KALAELOA BARBERS POINT HARBOR IMPROVEMENTS, OAHU

PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT KALAELOA BARBERS POINT HARBOR, OAHU. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	4B	4B
	TRN	9,988E	14,988E
	TRN	4N	4N
	TRN	4R	4R

TRN311 - HILO HARBOR

18. HILO HARBOR IMPROVEMENTS, HAWAII

PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT HILO HARBOR, HAWAII. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	4B	4B
	TRN	9,988E	14,988E
	TRN	4N	4N
	TRN	4R	4R

TRN313 - KAWAIHAE HARBOR

19. KAWAIHAE HARBOR IMPROVEMENTS, HAWAII

PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT KAWAIHAE HARBOR, HAWAII. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	4B	4B
	TRN	9,988E	29,988E
	TRN	4N	4N
	TRN	4R	4R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023

TRN331 - KAHULUI HARBOR

20. KAHULUI HARBOR IMPROVEMENTS, MAUI

PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT KAHULUI HARBOR, MAUI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	4B	4B
	TRN	9,988E	62,988E
	TRN	4N	4N
	TRN	4R	4R

TRN361 - NAWILIWILI HARBOR

21. NAWILIWILI HARBOR IMPROVEMENTS, KAUAI

PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT NAWILIWILI HARBOR, KAUAI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	4B	4B
	TRN	988E	988E
	TRN	4N	4N
	TRN	4R	4R

TRN363 - PORT ALLEN HARBOR

22. PORT ALLEN HARBOR IMPROVEMENTS, KAUAI

PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS THAT WILL PROVIDE FOR SAFER, MORE EFFICIENT USE OF EXISTING AND/OR ADDITIONAL OPERATIONAL AREAS THROUGHOUT PORT ALLEN HARBOR, KAUAI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	4B	4B
	TRN	988E	4,988E
	TRN	4N	4N
	TRN	4R	4R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
TRN395 - HARBORS ADMINISTRATION					
23.		COMMERCIAL HARBORS ADMINISTRATION INITIATIVES, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR COST RELATED TO STATEWIDE IMPROVEMENTS FOR THE DEPARTMENT OF TRANSPORTATION'S HARBORS DIVISION, STATEWIDE; THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4B	4B
			TRN	1,488E	1,488E
			TRN	4N	4N
			TRN	4R	4R
24.		MODERNIZATION PROGRAM - HARBORS DIVISION CIP PROJECT STAFF COSTS, STATEWIDE			
		PLANS FOR COSTS RELATED TO WAGES AND FRINGE BENEFITS FOR PERMANENT HARBOR MODERNIZATION PLAN PROJECT FUNDED STAFF POSITIONS FOR THE IMPLEMENTATION OF MODERNIZATION PROGRAM PROJECTS FOR THE DEPARTMENT OF TRANSPORTATION'S HARBORS DIVISION, STATEWIDE. PROJECTS MAY ALSO INCLUDE FUNDS FOR NON- PERMANENT CAPITAL IMPROVEMENT PROGRAM RELATED POSITIONS.			
		TOTAL FUNDING	TRN	2,500B	2,500B
TRN501 - OAHU HIGHWAYS					
26.		KAMEHAMEHA HIGHWAY DRAINAGE IMPROVEMENTS, VICINITY OF WAIKANE, OAHU			
		LAND ACQUISITION AND DESIGN FOR ROADWAY IMPROVEMENTS TO ALLEVIATE FLOODING AND ROAD CLOSURES ON KAMEHAMEHA HIGHWAY IN THE VICINITY OF WAIKANE STREAM.			
		TOTAL FUNDING	TRN	1,000E	E
27.		KAMEHAMEHA HWY, REHAB &/OR REPLC. OF WAIPILOPILO STREAM BRIDGE, OAHU			
		LAND ACQUISITION AND CONSTRUCTION FOR REHABILITATION AND/OR REPLACEMENT OF A CONCRETE TEE-BRIDGE ON KAMEHAMEHA HIGHWAY IN THE VICINITY OF HAUULA TO INCLUDE BRIDGE RAILINGS, WALKWAYS, AND OTHER IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,000E	2,200E
			TRN	8,000N	8,800N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
28.		WAIHOLE BRIDGE REPLACEMENT, KAMEHAMEHA HIGHWAY, OAHU			
		CONSTRUCTION FOR THE REPLACEMENT OF THE EXISTING CONCRETE STRUCTURE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,800 E	600 E
			TRN	7,200 N	2,400 N
29.		EROSION CONTROL PROGRAM FOR STATE HIGHWAYS AND FACILITIES, OAHU			
		DESIGN AND CONSTRUCTION FOR PERMANENT EROSION CONTROL MITIGATION MEASURES ON STATE HIGHWAYS AND FACILITIES ON OAHU.			
		TOTAL FUNDING	TRN	2,400 E	2,200 E
30.		RAIL LINE HIGHWAY IMPROVEMENTS, OAHU			
		CONSTRUCTION OF HIGHWAY IMPROVEMENTS BY HART PER HIGHWAY IMPROVEMENT AGREEMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	B	7,800 B
			TRN	3,000 E	3,600 E
			TRN	12,000 N	400 N
31.		FREEWAY MANAGEMENT SYSTEM, OAHU			
		CONSTRUCTION FOR A FREEWAY MANAGEMENT SYSTEM, INCLUDING INTELLIGENT TRANSPORTATION SYSTEMS TECHNOLOGIES AND INTERAGENCY COORDINATION TO MONITOR AND MANAGE TRAFFIC OPERATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	900 E	E
			TRN	3,600 N	N
32.		KAMEHAMEHA HIGHWAY, WAIMANANA BRIDGE REPLACEMENT, OAHU			
		CONSTRUCTION FOR REPLACEMENT OF WAIMANANA BRIDGE TO MEET CURRENT STATE AND FEDERAL DESIGN GUIDELINES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	1,400 E
			TRN	N	5,600 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
33.		MISCELLANEOUS PERMANENT BEST MANAGEMENT PRACTICES, OAHU			
		CONSTRUCTION FOR PERMANENT BEST MANAGEMENT PRACTICE IMPROVEMENTS TO EXISTING HIGHWAY FACILITIES INCLUDING INSTALLATION OF STRUCTURAL AND NATURAL BEST MANAGEMENT PRACTICES AT VARIOUS LOCATIONS ON OAHU.			
		TOTAL FUNDING	TRN	E	2,000 E
34.		CULVERT ASSESSMENT AND REMEDIATION, OAHU			
		CONSTRUCTION TO ASSESS CULVERTS AND REPAIR AND/OR REPLACE CULVERTS REQUIRING REMEDIATION.			
		TOTAL FUNDING	TRN	1,000 E	5,200 E
35.		FREEWAY DESTINATION SIGN UPGRADE/REPLACEMENT, OAHU			
		CONSTRUCTION FOR REPLACING AND/OR UPGRADING THE EXISTING FREEWAY DESTINATION SIGNS AND SIGN SUPPORT STRUCTURES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	2,900 E
			TRN	N	11,600 N
36.		INTERSTATE ROUTE H-1 DRAINAGE IMPROVEMENTS, VICINITY OF RADFORD DRIVE, OAHU			
		DESIGN FOR DRAINAGE IMPROVEMENTS ALONG H-1 IN ORDER TO ADDRESS SETTLEMENT ISSUES IN THE VICINITY OF RADFORD DRIVE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	200 E	E
			TRN	800 N	N
37.		TRAFFIC OPERATIONAL IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAYS FACILITIES, OAHU			
		CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAY FACILITIES NECESSARY FOR IMPROVED TRAFFIC OPERATIONS INCLUDING ELIMINATING CONSTRUCTIONS, MODIFYING AND/OR INSTALLING TRAFFIC SIGNALS, CONSTRUCTING TURNING LANES, ACCELERATION AND/OR DECELERATION LANES, AND OTHER IMPROVEMENTS FOR MORE EFFICIENT TRAFFIC FLOW.			
		TOTAL FUNDING	TRN	1,500 E	3,500 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
38.		FARRINGTON HIGHWAY WIDENING, KAPOLEI GOLF COURSE TO FORT WEAVER ROAD, OAHU CONSTRUCTION FOR THE WIDENING OF FARRINGTON HIGHWAY FROM THE VICINITY OF KAPOLEI GOLF COURSE TO THE VICINITY OF FORT WEAVER ROAD. TOTAL FUNDING	TRN	25,000E	95,000E
39.		NANAKULI TRAFFIC MITIGATION, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR TRAFFIC MITIGATION MEASURES; PROJECT MAY INCLUDE REPAIRS, RENOVATIONS, REFURBISHMENTS, AND/OR NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT. TOTAL FUNDING	TRN	1,000D	D
40.		PALI HIGHWAY TRAFFIC SIGNALS, OAHU DESIGN AND CONSTRUCTION TO INSTALL TRAFFIC SIGNALS AT INTERSECTIONS WITH UNSIGNALIZED CROSSWALKS; THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT. TOTAL FUNDING	TRN	5,200C	C
41.		PEDESTRIAN WALKWAYS, OAHU CONSTRUCTION FOR PEDESTRIAN WALKWAYS, IMPROVEMENTS AND APPURTENANCES, OAHU. TOTAL FUNDING	TRN	7,000C	C
42.		WAIANAE COAST FARRINGTON HIGHWAY IMPROVEMENTS AND PARALLEL ROUTE, OAHU PLANS, LAND, DESIGN, CONSTRUCTION, AND EQUIPMENT TO EXTEND THE FIFTH LANE TO WIDEN FARRINGTON HIGHWAY, CREATION OF A PARALLEL ROUTE FOR THE WAIANAE COAST; OTHER TRAFFIC IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO, SAFETY IMPROVEMENTS, SYSTEM PRESERVATION, AND TRAFFIC/ CONGESTION RELIEF; THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT. TOTAL FUNDING	TRN TRN TRN	2,500D 2,500E 10,500N	2,500D 2,500E 9,500N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
42.1		KAMEHAMEHA HIGHWAY, KALUANUI STREAM BRIDGE REPLACEMENT, OAHU			
		CONSTRUCTION FOR REPLACEMENT OF KALUANUI STREAM BRIDGE TO INCLUDE SIDEWALKS, BRIDGE RAILINGS, AND OTHER IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	1,600E
			TRN	N	6,400N
42.2		KAMEHAMEHA HIGHWAY IMPROVEMENTS, VICINITY OF LANIAKEA, OAHU			
		LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS IN THE VICINITY OF LANIAKEA, INCLUDING REALIGNMENT FOR PEDESTRIAN SAFETY.			
		TOTAL FUNDING	TRN	E	13,700E
42.3		KAMEHAMEHA HIGHWAY, REHABILITATION AND/OR REPLACEMENT OF LAIELOA STREAM BRIDGE, OAHU			
		CONSTRUCTION FOR REHABILITATION AND/OR REPLACEMENT OF A CONCRETE SLAB BRIDGE ON KAMEHAMEHA HIGHWAY IN THE VICINITY OF LAIE TO INCLUDE BRIDGE RAILINGS, WALKWAYS, AND OTHER IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	3,200E
			TRN	N	12,800N
42.4		INTERSTATE ROUTE H-1 IMPROVEMENTS, VIC. OF OLA LANE TO VIC. OF VINEYARD BOULEVARD, OAHU			
		CONSTRUCTION FOR AN ADDITIONAL LANE ON THE H-1 FREEWAY EASTBOUND LANES FROM THE VICINITY OF MIDDLE STREET TO THE VICINITY OF VINEYARD BOULEVARD. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	11,000E
			TRN	N	44,000N

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42.5 WEST OAHU REGIONAL TRANSPORTATION IMPROVEMENTS, OAHU
 PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR ROADWAY IMPROVEMENTS FOR THE ENHANCEMENT AND INCENTIVIZATION OF COMMERCIAL DEVELOPMENT AND AFFORDABLE WORKFORCE AND RESIDENTIAL HOUSING FOR THE WEST OAHU REGION. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	D	75,000D
	TRN	N	1N

42.6 KAMEHAMEHA HIGHWAY SAFETY IMPROVEMENTS, OAHU
 DESIGN AND CONSTRUCTION FOR SIDEWALKS ALONG KAMEHAMEHA HIGHWAY FROM MEHEULA PARKWAY TO LANIKUHANA AVENUE, AND CROSSWALKS AT THE INTERSECTIONS OF KAMEHAMEHA HIGHWAY AND KUAHELANI AVENUE.

TOTAL FUNDING	TRN	C	7,000C
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TRN511 - HAWAII HIGHWAYS

43. HAWAII BELT ROAD, WAILUKU BRIDGE REHABILITATION AND/OR REPLACEMENT, HAWAII
 CONSTRUCTION FOR REHABILITATION AND/OR REPLACEMENT OF WAILUKU BRIDGE ALONG HAWAII BELT ROAD (ROUTE 19). THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	E	4,800E
	TRN	N	19,200N

44. KAWAIHAE ROAD, WAIAKA STREAM BRIDGE REPLACEMENT AND REALIGNMENT, HAWAII
 CONSTRUCTION FOR REPLACING THE EXISTING WAIAKA STREAM BRIDGE, REALIGNING THE BRIDGE APPROACHES, RECONSTRUCTING THE ROUTE 19/ROUTE 250 INTERSECTION, AND INSTALLING SAFETY IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	E	1,600E
	TRN	N	6,400N

45. HAWAII BELT ROAD, REHABILITATION / REPLACEMENT OF HAKALAU BRIDGE, HAWAII
 CONSTRUCTION FOR THE REHABILITATION / REPLACEMENT OF HAKALAU BRIDGE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	E	8,200E
	TRN	N	32,800N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
46.		HAWAII BELT ROAD, REHABILITATION / REPLACEMENT OF KOLEKOLE STREAM BRIDGE, HAWAII			
		CONSTRUCTION FOR THE REHABILITATION / REPLACEMENT OF KOLEKOLE STREAM BRIDGE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	3,800 E
			TRN	N	15,200 N
47.		PUAINAKO ST IMPROVEMENTS, KANOELEHUA AVE TO KOMOHANA ST, HAWAII			
		LAND ACQUISITION AND DESIGN FOR COMPLETE STREET IMPROVEMENTS, INCLUDING PEDESTRIAN AND BIKE FACILITIES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	400 E
			TRN	N	1,600 N
48.		ACCELERATION LANE/RIGHT-TURN ON RED, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR AN ACCELERATION LANE/RIGHT-TURN ON RED FOR SHOWER DRIVE ONTO HIGHWAY 130; THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,300 D	D
48.01		GUARDRAIL AND SHOULDER IMPROVEMENTS ON STATE HIGHWAYS, HAWAII			
		CONSTRUCTION FOR INSTALLING AND/OR UPGRADING EXISTING GUARDRAILS, END TERMINALS, TRANSITIONS, BRIDGE RAILING, BRIDGE END POSTS AND CRASH ATTENUATOR, AND RECONSTRUCTING AND PAVING SHOULDERS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	700 E
			TRN	N	2,800 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
48.02		WAIMEA REGIONAL SAFETY IMPROVEMENTS, HAWAII			
		LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS IN WAIMEA, INCLUDING MULTIMODAL IMPROVEMENTS IN WAIMEA TOWN, OPERATIONAL IMPROVEMENTS AT KAWAIHAE ROAD AND LINDSEY ROAD, AND A BYPASS BETWEEN KAWAIHAE ROAD AND MAMALAHOA HIGHWAY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	5,410 E
			TRN	N	16,000 N
48.03		HIGHWAY 130 WIDENING FROM SHOWER TO KALOLI DRIVE, HAWAII			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE WIDENING OF HIGHWAY 130 FROM SHOWER DRIVE TO KALOLI FOR AN ADDITIONAL LANE.			
		TOTAL FUNDING	TRN	E	35,000 E
48.04		ALTERNATE ROUTE IN PUNA BELOW HIGHWAY 130, HAWAII			
		PLANS AND DESIGN TO CONDUCT SITE SURVEYS ON THE ISLAND OF HAWAII TO IDENTIFY THE MOST SUITABLE LOCATION FOR AN ALTERNATE ROUTE IN PUNA BELOW HIGHWAY 130; PROVIDED THAT MATCHING FUNDS BE PROVIDED BY THE COUNTY OF HAWAII.			
		TOTAL FUNDING	TRN	B	500 B
			TRN	S	500 S
			TRN	A	500 A
TRN531 - MAUI HIGHWAYS					
49.		HANA HIGHWAY BRIDGE PRESERVATION, MAUI			
		CONSTRUCTION FOR THE IMPLEMENTATION OF THE BRIDGE PRESERVATION PLAN FOR HANA HIGHWAY IN THE VICINITY OF THE HANA PRESERVATION DISTRICT, TO INCLUDE BRIDGE REHABILITATION AND/OR REPLACEMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,500 E	2,400 E
			TRN	10,000 N	9,600 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
50.		GUARDRAIL AND SHOULDER IMPROVEMENTS ON STATE HIGHWAYS, MAUI			
		DESIGN AND CONSTRUCTION FOR INSTALLING AND/OR UPGRADING EXISTING GUARDRAILS, END TERMINALS, TRANSITIONS, BRIDGE RAILINGS, BRIDGE ENDPOSTS AND CRASH ATTENUATORS, AND RECONSTRUCTING AND PAVING SHOULDERS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	400 E	400 E
			TRN	1,600 N	N
51.		HANA HIGHWAY ROCKFALL MITIGATION, HUELO TO HANA, MAUI			
		CONSTRUCTION TO MITIGATE ROCKFALLS AND POTENTIAL LANDSLIDE AREAS ALONG THE SLOPES OF ROUTE 360 HANA HIGHWAY AT VARIOUS LOCATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	400 E	E
			TRN	1,600 N	N
52.		HANA HIGHWAY IMPROVEMENTS, HUELO TO HANA, MAUI			
		CONSTRUCTION FOR IMPROVING, UPGRADING AND/OR REPAIRING ROADWAYS, BRIDGES, WALLS, DRAINAGE STRUCTURES, GUARDRAILS, AND OTHER FACILITIES ON ROUTE 360 HANA HIGHWAY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,300 E	800 E
			TRN	N	3,200 N
53.		TRAFFIC OPERATIONAL IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAY FACILITIES, MAUI			
		DESIGN AND CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAY FACILITIES NECESSARY FOR IMPROVED TRAFFIC OPERATION, INCLUDING ELIMINATING CONSTRICTIONS, MODIFYING AND/OR INSTALLING TRAFFIC SIGNALS, CONSTRUCTING TURNING LANES, ACCELERATION AND/OR DECELERATION LANES, AND OTHER IMPROVEMENTS.			
		TOTAL FUNDING	TRN	1,600 E	1,600 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
54.		MAUI DISTRICT BASEYARD/OFFICE IMPROVEMENTS, MAUI			
		CONSTRUCTION FOR MAUI DISTRICT BASEYARD/OFFICE IMPROVEMENTS, INCLUDING EXPANSION AND RENOVATIONS.			
		TOTAL FUNDING	TRN	100E	E
55.		WAIALE ROAD EXTENSION, MAUI			
		PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR WAIALE ROAD EXTENSION AND OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS; ALL RELATED AND ASSOCIATED PROJECT COSTS FOR NEW ROADWAY; GROUND AND SITE IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	3,500E	E
			TRN	31,500N	N
55.01		HONOAPIILANI HIGHWAY COASTAL MITIGATION, VIC. OF UKUMEHAME TO VIC. OF LAUNIUPOKO, MAUI			
		CONSTRUCTION FOR MITIGATION SOLUTIONS TO THE ISSUE OF SHORELINE EROSION ALONG HONOAPIILANI HIGHWAY, FROM UKUMEHAME TO LAUNIUPOKO.			
		TOTAL FUNDING	TRN	E	1,500E
55.2		PUUNENE AVENUE IMPROVEMENTS, KAMEHAMEHA AVENUE TO KUIHELANI HIGHWAY, MAUI			
		CONSTRUCTION FOR THE WIDENING OF PUUNENE AVENUE FROM KAMEHAMEHA AVENUE TO KUIHELANI HIGHWAY FROM TWO TO FOUR LANES, AND FOR THE INSTALLATION OF SAFETY IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	5,000E
			TRN	N	20,000N
55.3		KULA HIGHWAY, MAUI			
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS AT THE INTERSECTION OF KULA HIGHWAY AND OMAOPIO ROAD.			
		TOTAL FUNDING	TRN	C	3,500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
TRN561 - KAUAI HIGHWAYS					
56.		KUHIO HIGHWAY, HANAIEI BRIDGE REPAIR, KAUAI			
		CONSTRUCTION FOR THE REPAIR OF HANAIEI BRIDGE, INCLUDING REPLACING DETERIORATED STEEL TRUSS MEMBERS, AND CLEANING AND PAINTING OF THE STRUCTURE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,600 E	E
			TRN	6,400 N	N
57.		GUARDRAIL AND SHOULDER IMPROVEMENTS ON STATE HIGHWAYS, KAUAI			
		CONSTRUCTION FOR INSTALLING AND/OR UPGRADING OF GUARDRAILS, END TERMINALS, TRANSITIONS, BRIDGE RAILINGS, BRIDGE ENDPPOSTS AND CRASH ATTENUATORS, AND RECONSTRUCTING AND PAVING OF SHOULDERS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,000 E	400 E
			TRN	N	1,600 N
58.		WAIMEA CANYON DRIVE/KOKEE ROAD IMPROVEMENTS, KAUAI			
		DESIGN AND CONSTRUCTION FOR PAVED SHOULDERS, INSTALLING GUARDRAILS, PAVEMENT MARKINGS AND SIGNS, AND OTHER IMPROVEMENTS IN THE VICINITY OF MILE POST 0 TO MILE POST 14. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	700 E	1,000 E
			TRN	2,000 N	4,000 N
59.		KUHIO HIGHWAY, SLOPE STABILIZATION AT LUMAHAI HILLSIDE, KAUAI			
		CONSTRUCTION FOR SLOPE STABILIZATION AT LUMAHAI HILLSIDE.			
		TOTAL FUNDING	TRN	400 E	E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
60.		TRAFFIC OPERATIONAL IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAYS, KAUAI			
		CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAY FACILITIES NECESSARY FOR IMPROVED TRAFFIC OPERATION, INCLUDING ELIMINATING CONSTRUCTIONS, MODIFYING AND/OR INSTALLING TRAFFIC SIGNALS, CONSTRUCTING TURNING LANES, ACCELERATION AND/OR DECELERATION LANES, AND OTHER IMPROVEMENTS.			
		TOTAL FUNDING	TRN	2,500 E	4,300 E
61.		KAUMUALII HIGHWAY IMPROVEMENTS, LIHUE TO WEST OF MALUHIA ROAD, KAUAI			
		LAND ACQUISITION FOR WIDENING OF KAUMUALII HIGHWAY, LIHUE TO WEST OF MALUHIA ROAD, FROM TWO TO FOUR LANES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	200 E
			TRN	N	800 N
62.		KUHIO HIGHWAY INTERSECTION IMPROVEMENTS AT KOLO ROAD / KALAMANIA ROAD, KAUAI			
		LAND ACQUISITION AND CONSTRUCTION FOR INTERSECTION IMPROVEMENTS, WHICH MAY INCLUDE SIGNALIZATION OR ROUNDABOUT SOLUTIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	200 E	600 E
			TRN	800 N	2,400 N
63.		KAUAI BASEYARD IMPROVEMENTS, KAUAI			
		CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS TO THE KAUAI DISTRICT BASEYARD, INCLUDING THE INSTALLATION OF A FIRE DETECTION SPRINKLER SYSTEM, RENOVATION OF OFFICES, PERFORMING VARIOUS BUILDING REPAIRS, AND REPLACING DAMAGED STORM SHIELDS.			
		TOTAL FUNDING	TRN	100 E	E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
64.		KUHIO HIGHWAY ROUTE 56, MP 1.1 TO MP 2.6 (LAUKINI RD TO KAPULE HWY), KAUAI			
		CONSTRUCTION FOR RECONSTRUCTION OF WEAKENED PAVEMENT AREAS; RESURFACING; PAVEMENT MARKINGS; SIGNAGE; OTHER RELATED HIGHWAY INFRASTRUCTURE AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	TRN	500D	D
64.01		KUHIO HIGHWAY, KAUAI			
		PLANS, CONSTRUCTION, AND EQUIPMENT OF A LIGHT SIGNALIZATION IN THE VICINITY OF KAUAI COMMUNITY CORRECTIONAL CENTER AND WAILUA GOLF COURSE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	2,000E
			TRN	N	1N
64.02		WAILUA RIVER BRIDGE, KAUAI			
		CONSTRUCTION AND EQUIPMENT FOR REPAIRS TO EXISTING WAILUA RIVER BRIDGE.			
		TOTAL FUNDING	TRN	C	1,500C
			TRN	N	1N
64.03		GUARDRAIL AND SHOULDER IMPROVEMENTS ON STATE HIGHWAY, KAUAI			
		DESIGN AND CONSTRUCTION FOR INSTALLING GUARDRAILS ON HIGHWAY 56, KUHIO HIGHWAY, NORTH BOUND IN THE AREA BETWEEN LANIKILA STREET AND PAPALOA ROAD, KAUAI.			
		TOTAL FUNDING	TRN	E	300E
TRN595 - HIGHWAYS ADMINISTRATION					
65.		IMPROVEMENTS TO INTERSECTIONS AND HIGHWAY FACILITIES, STATEWIDE			
		DESIGN, AND CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS TO EXISTING INTERSECTIONS AND HIGHWAY FACILITIES NECESSARY FOR TRAFFIC SAFETY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,300E	2,900E
			TRN	4,700N	7,200N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
66.		HIGHWAY SHORELINE PROTECTION, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR SHORELINE PROTECTION IMPROVEMENTS OF EXISTING STATE HIGHWAY FACILITIES, INCLUDING SHORELINE PROTECTION STRUCTURES, RELOCATION AND REALIGNMENT OF THE HIGHWAY, AND BEACH FILL/NOURISHMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	900 E	3,400 E
			TRN	3,600 N	13,600 N
67.		ROCKFALL PROTECTION/SLOPE STABILIZATION AT VARIOUS LOCATIONS, STATEWIDE			
		LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR ROCKFALL/SLOPE PROTECTION AND SLOPE STABILIZATION MITIGATION MEASURES AT VARIOUS LOCATIONS STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	200 E	2,000 E
			TRN	800 N	8,000 N
68.		VEHICLE TO EVERYTHING (V2X) TECHNOLOGY, STATEWIDE			
		CONSTRUCTION FOR A CELLULAR-BASED VEHICLE TO EVERYTHING (V2X) SYSTEM. INSTALLATION INCLUDES IN-FIELD DEVICES, ASSOCIATED SOFTWARE AND SMARTPHONE APPLICATION. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4,100 E	E
			TRN	16,400 N	N
69.		TRAFFIC SIGNAL MODERNIZATION AT VARIOUS LOCATIONS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR UPGRADING OF EXISTING TRAFFIC SIGNAL SYSTEMS, INCL. ASSESSMENT & DEVELOPMENT OF CRITERIA FOR IMPL. OF SCHED. REPLACEMENTS & UPGRADES; PROVIDING INTERCONNECTION OF SIGNALIZED INTERSECTIONS; UPGRADING TO MEET CURRENT STANDARDS; & IMPL. OF SIGNAL SYSTEM INNOVATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	500 E	4,600 E
			TRN	1,000 N	4,000 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
70.		SEISMIC RETROFIT OF VARIOUS BRIDGES, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR SEISMIC RETROFIT OF VARIOUS BRIDGES STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	400 E
			TRN	N	1,600 N
71.		ADA AND PEDESTRIAN IMPROVEMENTS AT VARIOUS LOCATIONS, STATEWIDE			
		PLANS, DESIGN AND CONSTRUCTION TO PROVIDE FOR AND IMPROVE EXISTING ADA AND PEDESTRIAN FACILITIES ON STATE HIGHWAYS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,100 E	600 E
			TRN	1,400 N	100 N
72.		STATEWIDE INTELLIGENT TRANSPORTATION SYSTEM (ITS), STATEWIDE			
		DESIGN AND CONSTRUCTION FOR DEVELOPING A STATEWIDE INTELLIGENT TRANSPORTATION SYSTEM (ITS). THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,100 E	E
			TRN	4,400 N	N
73.		HIGHWAY PLANNING, STATEWIDE			
		PLANS FOR FEDERAL AID AND NON-FEDERAL AID PROGRAMS AND PROJECTS THAT INCLUDE ROADWAY CLASSIFICATION, DATA COLLECTION, LONG AND MID-RANGE PLANNING, TRANSPORTATION NEEDS STUDIES, RESEARCH, HRS 343/NEPA STUDIES, CORRIDOR STUDIES, SCOPING, BRIDGE EVALUATIONS, AND TECH TRANSFER AND WORKFORCE DEVELOPMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	14,800 E	3,000 E
			TRN	48,900 N	11,800 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
74.		BIKEWAY IMPROVEMENTS AT VARIOUS LOCATIONS, STATEWIDE			
		LAND ACQUISITION AND CONSTRUCTION TO PROVIDE FOR AND IMPROVE EXISTING BICYCLE FACILITIES ON STATE HIGHWAYS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	500 E
			TRN	N	1,000 N
75.		METAL CULVERT BRIDGE REHABILITATION, STATEWIDE			
		LAND ACQUISITION AND DESIGN FOR THE REHABILITATION OF METAL CULVERT BRIDGE STRUCTURES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	400 E	500 E
			TRN	1,600 N	2,000 N
76.		MISCELLANEOUS DRAINAGE IMPROVEMENTS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR DRAINAGE IMPROVEMENTS TO EXISTING HIGHWAY FACILITIES INCLUDING INSTALLATION OF DRAINAGE FACILITIES, CATCH BASINS, GRATED DROP INLETS, LINED SWALES, HEADWALLS, AND CULVERTS AT VARIOUS LOCATIONS.			
		TOTAL FUNDING	TRN	1,500 E	3,800 E
77.		HEIGHT MODERNIZATION FACILITIES, STATEWIDE			
		PLANS AND DESIGN FOR HEIGHT MODERNIZATION FACILITIES ON VARIOUS ISLANDS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,000 E	3,000 E
			TRN	1 N	1 N
78.		CLOSEOUT OF HIGHWAY CONSTRUCTION PROJECTS, STATEWIDE			
		CONSTRUCTION FOR COMPLETION AND CLOSEOUT OF OUTSTANDING CONSTRUCTION PROJECTS FOR POSTING OF AS-BUILT PLANS, OUTSTANDING UTILITY BILLINGS, PAYMENTS TO OTHERS FOR PROJECT RELATED WORK, AND OTHER CLOSING COSTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	200 E	400 E
			TRN	1 N	1 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
79.		CLOSEOUT OF HIGHWAY DESIGN PROJECTS, STATEWIDE			
		DESIGN FOR COMPLETION AND CLOSEOUT OF DESIGN PROJECTS IN CLOSING STAGES AND/OR FOR PROJECTS REQUIRING FUNDS FOR FINAL SETTLEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	200 E	200 E
			TRN	1 N	1 N
80.		CLOSEOUT OF HIGHWAY RIGHTS-OF-WAY, STATEWIDE			
		LAND ACQUISITION FOR COMPLETION OF ACQUISITION OF OUTSTANDING RIGHT-OF-WAY PARCELS ON PREVIOUSLY CONSTRUCTED PROJECTS OR PROJECTS WITH NECESSARY MITIGATIVE RESPONSES. ALSO, TO PROVIDE FOR THE TRANSFER OF REAL ESTATE INTERESTS FROM THE STATE TO THE COUNTIES FOR THE IMPLEMENTATION OF THE STATE HIGHWAY SYSTEM. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	500 E	800 E
			TRN	1 N	1 N
81.		HIGHWAYS DIVISION MATERIALS TESTING AND RESEARCH FACILITY RENOVATION, OAHU			
		CONSTRUCTION FOR RENOVATION AND IMPROVEMENTS TO THE HIGHWAYS DIVISION MATERIALS TESTING AND RESEARCH FACILITY.			
		TOTAL FUNDING	TRN	E	2,500 E
81.01		CRITICAL BRIDGE MITIGATION AND/OR REPAIRS, STATEWIDE			
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR MEASURES REQUIRED TO ADDRESS CRITICAL BRIDGE FINDINGS OR EMERGENCY EVENTS WHICH JEOPARDIZE THE SAFE UTILITY OF STRUCTURAL FACILITIES OF THE STATE HIGHWAYS DIVISION. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	7,500 E
			TRN	N	10,000 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
81.02		DISASTER RESPONSE AND RECOVERY, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE ADDRESS OF DISASTERS AND EMERGENCIES IMPACTING STATE HIGHWAY FACILITIES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	B	1,000 B
			TRN	N	4,000 N
81.03		BRIDGE SCOUR MITIGATION, STATEWIDE			
		DESIGN FOR THE MITIGATION OF STATE HIGHWAY BRIDGE SCOUR. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	400 E
			TRN	N	1,600 N
81.04		MAJOR PAVEMENT IMPROVEMENTS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR MAJOR PAVEMENT RECONSTRUCTION, RESURFACING, RESTORATION AND/OR REHABILITATION ALONG STATE ROUTES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	32,800 E
			TRN	N	130,000 N
81.05		BRIDGE REHABILITATION / REPLACEMENT PROGRAM, VARIOUS LOCATIONS, STATEWIDE			
		LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR THE REHABILITATION OR REPLACEMENT OF EXISTING STATE HIGHWAYS BRIDGES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	B	500 B
			TRN	E	30,600 E
			TRN	N	124,400 N
81.06		HIGHWAY LIGHTING IMPROVEMENTS, STATEWIDE			
		PLANS, DESIGN AND CONSTRUCTION FOR ENHANCED ILLUMINATION FOR PEDESTRIANS, BICYCLISTS, AND OTHER USERS OF HIGHWAY FACILITIES TO PROVIDE GREATER VISIBILITY AT CROSSINGS AND OTHER WARRANTED AREAS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	800 E
			TRN	N	3,200 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
81.07		ELECTRIC VEHICLE (EV) FACILITIES, STATEWIDE			
		DESIGN FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	300 E
			TRN	N	1,200 N
81.08		HIGHWAYS DIVISION MODERNIZATION, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE INVESTIGATION, TESTING, AND POSSIBLE INCORPORATION OF NEW TECHNIQUES AND TECHNOLOGIES FOR THE MODERNIZATIONS OF THE HIGHWAYS DIVISION AND HIGHWAY FACILITIES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	B	1,000 B
			TRN	N	4,000 N
81.09		TRAFFIC COUNTING STATIONS AT VARIOUS LOCATIONS, STATEWIDE			
		CONSTRUCTION FOR INSTALLING TRAFFIC DETECTOR LOOPS AND PIEZOELECTRIC SENSORS, ASSOCIATED WIRING, JUNCTION BOXES, AND TRAFFIC CABINETS FOR CONTINUOUS TRAFFIC MONITORING STATIONS AT VARIOUS LOCATIONS ON STATE ROADWAYS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	1,100 E
			TRN	N	4,400 N

D. ENVIRONMENTAL PROTECTION

HTH840 - ENVIRONMENTAL MANAGEMENT

1.	WASTEWATER TREATMENT REVOLVING FUND FOR POLLUTION CONTROL, STATEWIDE				
	CONSTRUCTION FUNDS TO PROVIDE STATE MATCH FOR FEDERAL CAPITALIZATION GRANTS FOR WASTEWATER PROJECTS. FUNDS TO BE TRANSFERRED TO THE WATER POLLUTION CONTROL REVOLVING FUND PURSUANT TO CHAPTER 342D, HRS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
	TOTAL FUNDING	HTH	2,462 C		3,852 C
		HTH	12,308 N		26,204 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
2.		SAFE DRINKING WATER REVOLVING FUND, STATEWIDE			
		CONSTRUCTION FUNDS TO PROVIDE STATE MATCH FOR FEDERAL CAPITALIZATION GRANTS FOR DRINKING WATER TREATMENT REVOLVING LOAN FUND, PURSUANT TO CHAPTER 340E, HRS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	HTH	2,202 C	3,996 C
			HTH	11,011 N	28,956 N

LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM

3.		KAWAINUI WETLANDS, OAHU			
		CONSTRUCTION FOR INSTALLATION OF WATER MANAGEMENT INFRASTRUCTURE FOR WILDLIFE PONDS AND CONTOUR STREAM BANKS AND OVERFLOW CHANNELS TO MANAGE FLOOD WATER; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	1,500 C	C
3.01		RADIO REPEATER/PATCH LINK INSTALL (4 UNITS), MAUI, MOLOKAI			
		EQUIPMENT TO MANUFACTURE AND INSTALL FOUR (2-MOLOKAI/2-MAUI) REMOTE TWO-WAY RADIO RANGE ENHANCING UNITS ('HOTLINK' UNITS) THAT WILL PROVIDE A CONVENTIONAL 700/800 MHZ TALK GROUP LINK INTO THE HAWAII WIRELESS INTEROPERABILITY NETWORK (HIWIN) RADIO NETWORK TO IMPROVE STAFF SAFETY AND WELFARE WHILE WORKING IN REMOTE RADIO "DEAD ZONES" WHERE COMMUNICATION IS VERY LIMITED.			
		TOTAL FUNDING	LNR	C	100 C
3.02		KAWAINUI MARSH PROTECTION, OAHU			
		PLANS, DESIGN, AND EQUIPMENT FOR PREDATOR FENCING, BUFFERS, AND ACCESS IMPROVEMENTS, VICINITY OF KAWAINUI LEVEE TO NA POHAKU.			
		TOTAL FUNDING	LNR	C	4,300 C
3.03		BASEYARD SECURITY FENCE, MAUI			
		PLANS, DESIGN AND CONSTRUCTION OF APPROXIMATELY 2,000 LINEAR FEET OF PERIMETER FENCE FOR THE SECURITY OF STATE STAFF AND PROPERTY AT DOFAW'S MAUI BASEYARD.			
		TOTAL FUNDING	LNR	C	120 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
3.04		DOFAW OAHU BASEYARD IMPROVEMENTS, OAHU CONSTRUCTION FOR OAHU DOFAW MAKIKI BASEYARD IMPROVEMENTS: IWS; EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	LNR	C	500 C
3.05		KULANI WATER TANK RESERVOIR, HAWAII PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO CONVERT AND REFURBISH WATER CATCHMENTS TO PROVIDE WATER FOR WILDFIRE SUPPRESSION.			
		TOTAL FUNDING	LNR	C	240 C
LNR404 - WATER RESOURCES					
4.		WAIMEA DEEP MONITOR WELL, HAWAII PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR ACQUISITION OF LAND, WELL IMPROVEMENTS, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	LNR	2,000 C	C
4.01		DEEP MONITOR WELLS, STATEWIDE PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION TO CONSTRUCT AND/OR REPAIR DEEP MONITOR WELLS STATEWIDE TO MONITOR THE HEALTH OF DRINKING WATER AQUIFERS AND OTHER RELATED COSTS.			
		TOTAL FUNDING	LNR	C	2,000 C
LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT					
5.		WATERSHED PROTECTION AND INITIATIVES, STATEWIDE PLANS AND CONSTRUCTION TO PROTECT AND RESTORE FORESTED WATERSHEDS AND OTHER WATER SUPPLIES, STATEWIDE; ALL PROJECT RELATED COSTS. THIS PROJECT WILL IMPLEMENT A SUSTAINABLE HAWAII INITIATIVE GOAL TO PROTECT 30% OF PRIORITY WATERSHED FORESTS BY 2030. THE LEGISLATURE FINDS AND DECLARES THAT THE APPROPRIATION IS IN THE PUBLIC INTEREST AND FOR THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE OF THE STATE.			
		TOTAL FUNDING	LNR	4,000 C	8,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
5.01		INSECTARY RENOVATION FOR MOSQUITO CONTROL PROGRAM, OAHU CONSTRUCTION AND EQUIPMENT FOR INSTALLATION OF BIOCONTAINMENT ENCLOSURE WITH ANTEROOM, TEMPERATURE CABINETS AND SHELVING; EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS. TOTAL FUNDING	LNR	C	100C
5.02		PORTABLE RADIO REPEATERS FOR NA PALI, KAUAI EQUIPMENT TO INSTALL TWO EMERGENCY COMMUNICATION FACILITIES, KAUAI; EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS. TOTAL FUNDING	LNR	C	50C
5.03		STORM-HARDEN WAIMANO BASEYARD, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR BASEYARD EFFICIENCY AND DISASTER PREPARATION, OAHU; EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS. TOTAL FUNDING	LNR	C	50C
5.04		BASEYARD IMPROVEMENTS AT PUA LOKE BASEYARD, KAUAI PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO INSTALL VIDEO SURVEILLANCE, ADD SECURITY FENCING, LIGHTING, AND SIGNAGE AT THE PUA LOKE BASEYARD, KAUAI; EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS. TOTAL FUNDING	LNR	C	150C
LN906 - LNR - NATURAL AND PHYSICAL ENVIRONMENT					
5.05		KAHOOLAWE ISLAND RESERVE COMMISSION, IMPROVEMENTS AND OTHER WORK, KAHOOLAWE CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS AND OTHER WORK. TOTAL FUNDING	LNR	C	500C
E. HEALTH					
HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING					
0.01		KALAUPAPA SETTLEMENT, CLOSE LANDFILLS, MOLOKAI DESIGN AND CONSTRUCTION TO CLOSE LANDFILLS AS MANDATED BY LAW. TOTAL FUNDING	AGS	C	7,500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
0.02		KALAUPAPA SETTLEMENT, IMPROVEMENTS, MOLOKAI			
		DESIGN AND CONSTRUCTION FOR NECESSARY IMPROVEMENTS TO PROVIDE FOR HEALTH AND SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS.			
		TOTAL FUNDING	AGS	C	945 C
0.03		KALAUPAPA SETTLEMENT, REMOVE UNDERGROUND STORAGE TANKS, MOLOKAI			
		DESIGN FOR CONSTRUCTION NECESSARY TO CLOSE AND REMOVE UNDERGROUND STORAGE TANKS AT KALAUPAPA GAS STATION, TO COMPLY WITH STATE AND FEDERAL REQUIREMENTS, 30-YRS.			
		TOTAL FUNDING	AGS	C	580 C
HTH210 - HAWAII HEALTH SYSTEMS CORPORATION - CORPORATE OFFICE					
0.04		PROOF OF CONCEPT FOR MAUI HEALTH SYSTEM, MAUI			
		PLANS AND DESIGNS FOR PROOF OF CONCEPT FOR MAUI HEALTH SYSTEM; PROJECT MAY INCLUDE MAUI MEMORIAL CENTER, KULA HOSPITAL, AND LANAI COMMUNITY HEALTH CENTER; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	500 C	C
HTH211 - KAHUKU HOSPITAL					
1.		LUMP SUM KAHUKU MEDICAL CENTER, IMPROVEMENTS AND RENOVATIONS, OAHU			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR KAHUKU MEDICAL CENTER FOR IMPROVEMENTS AND RENOVATIONS INCLUDING NEW FACILITIES, RENOVATION, EXPANSION, AND/OR REPLACEMENT OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	1,000 C	1,000 C
2.01		KAHUKU MEDICAL CENTER, REMODEL RESTROOMS TO BE ADA COMPLIANT, OAHU			
		DESIGN AND CONSTRUCTION TO REMODEL RESTROOMS FOR ADA COMPLIANCE.			
		TOTAL FUNDING	HTH	C	200 C
2.02		KAHUKU MEDICAL CENTER, LONG TERM DEVELOPMENT PLAN, OAHU			
		TOTAL FUNDING	HTH	C	200 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
2.03		KAHUKU MEDICAL CENTER, REMODEL NURSES STATION, OAHU			
		DESIGN AND CONSTRUCTION TO REMODEL THE NURSES STATION.			
		TOTAL FUNDING	HTH	C	350C
2.04		KAHUKU MEDICAL CENTER, EXTEND ED RAMP AWNINGS, OAHU			
		DESIGN AND CONSTRUCTION TO EXTEND ED RAMP AWNINGS.			
		TOTAL FUNDING	HTH	C	150C
2.05		KAHUKU MEDICAL CENTER, REPLACE HOT WATER HEATERS, OAHU			
		DESIGN AND CONSTRUCTION TO REPLACE THREE HOT WATER HEATERS.			
		TOTAL FUNDING	HTH	C	100C
2.06		KAHUKU MEDICAL CENTER, EXPAND OXYGEN GENERATING ROOM, OAHU			
		DESIGN AND CONSTRUCTION TO EXPAND OXYGEN GENERATING ROOM.			
		TOTAL FUNDING	HTH	C	100C
2.07		KAHUKU MEDICAL CENTER, PATIENT ROOM RENOVATIONS, OAHU			
		DESIGN AND CONSTRUCTION TO RENOVATE PATIENT ROOMS.			
		TOTAL FUNDING	HTH	C	500C

HTH212 - HAWAII HEALTH SYSTEMS CORPORATION - REGIONS

3.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION - OAHU REGION, OAHU			
		DESIGN AND CONSTRUCTION FOR THE OAHU REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING RENOVATIONS AND/OR EXPANSION OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	2,500C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
4.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION - KAUAI REGION, KAUAI			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE KAUAI REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING NEW FACILITIES, RENOVATION, EXPANSION, AND/OR REPLACEMENT OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	3,000 C	5,000 C
5.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION - HAWAII REGION, HAWAII			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE HAWAII REGIONS OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING RENOVATIONS AND/OR EXPANSION OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	6,500 C	8,000 C
6.01		HILO MEDICAL CENTER, HAWAII			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO PURCHASE AND INSTALL TWO REPLACEMENT CHILLERS; PROJECT MAY INCLUDE REPAIRS, RENOVATIONS, REFURBISHMENTS, RENOVATIONS, AND/OR NEW CONSTRUCTION; VENTILATION IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	C	1,500 C
6.02		KAU HOSPITAL AND RURAL HEALTH CLINIC, HAWAII			
		DESIGN AND CONSTRUCTION FOR RENOVATIONS, REPAIRS, AND UPGRADES FOR DETERIORATING INFRASTRUCTURE AND EXPANSION OF THE MEDICAL FACILITY AND RURAL HEALTH CLINIC.			
		TOTAL FUNDING	HTH	C	4,000 C
6.03		KONA COMMUNITY HOSPITAL, HAWAII			
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR REPLACEMENT OF ONCOLOGY FACILITY.			
		TOTAL FUNDING	HTH	C	2,500 C
7.01		KONA COMMUNITY HOSPITAL, PHARMACY EXPANSION, HAWAII			
		CONSTRUCTION TO ADD A NEW STRUCTURE ADJACENT TO THE CURRENT FOOTPRINT FOR THE PHARMACY EXPANSION.			
		TOTAL FUNDING	HTH	C	674 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
7.02		KAUAI VETERANS MEMORIAL HOSPITAL, ADDITIONAL FUNDING FOR EMERGENCY DEPARTMENT RENOVATION, KAUAI DESIGN AND CONSTRUCTION FOR THE EMERGENCY DEPARTMENT RENOVATION.	HTH	C	1,000 C
		TOTAL FUNDING			
7.03		KAUAI VETERANS MEMORIAL HOSPITAL, ADDITIONAL FUNDING FOR SIGNAGE, KAUAI CONSTRUCTION FOR ADDITIONAL FUNDING FOR SIGNAGE.	HTH	C	100 C
		TOTAL FUNDING			
7.04		SAMUEL MAHELONA MEMORIAL HOSPITAL, SIGNAGE, KAUAI DESIGN AND CONSTRUCTION FOR SIGNAGE FOR SAMUEL MAHELONA MEMORIAL HOSPITAL.	HTH	C	175 C
		TOTAL FUNDING			
7.05		SAMUEL MAHELONA MEMORIAL HOSPITAL, KAUAI PLANS AND DESIGN FOR ADDITIONAL TECHNICAL STUDIES NEEDED FOR PROGRAMMATIC EIS, PROJECT DEVELOPMENT, CLASS IV ZONING PERMIT, AND CONSOLIDATION AND RESUBDIVISION.	HTH	C	380 C
		TOTAL FUNDING			
HTH214 - MAUI HEALTH SYSTEM, A KFH LLC					
8.		LUMP SUM MAUI HEALTH SYSTEM, FACILITIES REPAIR, RENOVATIONS AND UPGRADES, MAUI AND LANAI DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REPAIRS, RENOVATIONS, EXPANSION, AND UPGRADES TO MAUI MEMORIAL MEDICAL CENTER (MMMC), KULA HOSPITAL (KH), AND LANAI COMMUNITY HOSPITAL (LCH); INCLUDING ICU BEDS FOR MMMC.	HTH	6,000 C	9,000 C
		TOTAL FUNDING			
8.01		MAUI MEMORIAL MEDICAL CENTER, PARKING FACILITIES IMPROVEMENTS, MAUI PLANS, DESIGN AND CONSTRUCTION FOR STRUCTURAL IMPROVEMENTS FOR MAUI MEMORIAL MEDICAL CENTER PARKING FACILITIES; INCLUDING NEW FACILITIES, RENOVATIONS, EXPANSION, AND/OR REPLACEMENTS OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND ALL PROJECT RELATED COSTS.	HTH	C	15,000 C
		TOTAL FUNDING			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
9.01		MAUI HEALTH SYSTEM, FACILITIES REPAIR, RENOVATIONS AND UPGRADES, MAUI DESIGN, CONSTRUCTION, AND EQUIPMENT FOR FACILITY RENOVATIONS AND IMPROVEMENTS TO ANGIOPLASTY SUITE, CARDIAC CATHETERIZATION LAB, AND NEURO-VASCULAR CENTER AT MAUI MEMORIAL MEDICAL CENTER. TOTAL FUNDING HTH		C	9,150C
HTH215 - HHSC - OAHU REGION					
9.02		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION - OAHU REGION, OAHU DESIGN AND CONSTRUCTION FOR THE OAHU REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING RENOVATIONS AND/OR EXPANSION OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING HTH		C	3,000C
HTH430 - ADULT MENTAL HEALTH - INPATIENT					
10.		HAWAII STATE HOSPITAL IMPROVEMENTS, CHILLERS, OAHU CONSTRUCTION FOR IMPROVEMENTS AT HAWAII STATE HOSPITAL. TOTAL FUNDING AGS		3,500C	C
11.		HAWAII STATE HOSPITAL IMPROVEMENTS, KITCHEN, OAHU DESIGN AND CONSTRUCTION FOR MECHANICAL SYSTEMS IMPROVEMENTS AND OTHER IMPROVEMENTS. TOTAL FUNDING AGS		300C	300C
12.		HAWAII STATE HOSPITAL, OAHU DESIGN AND CONSTRUCTION FOR STABILIZATION AND MENTAL HEALTH CRISIS UNIT IN GUENSBERG BUILDING. TOTAL FUNDING AGS		900C	C
12.01		HAWAII STATE HOSPITAL, WATER SYSTEM IMPROVEMENTS AND OTHER WORK, OAHU DESIGN AND CONSTRUCTION FOR WATER SYSTEM IMPROVEMENTS AND OTHER WORK. TOTAL FUNDING AGS		C	5,300C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
HTH710 - STATE LABORATORY SERVICES					
13.		HAWAII STATE LABORATORIES, AIR HANDLERS, OAHU			
		DESIGN TO REPLACE STATE LABORATORIES DIVISION AIR HANDLERS AT THE KAMAULEULE BUILDING ON WAIMANO RANGE.			
		TOTAL FUNDING	AGS	772 C	C
HTH907 - GENERAL ADMINISTRATION					
14.		DEPARTMENT OF HEALTH, IMPROVEMENTS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR NECESSARY IMPROVEMENTS TO PROVIDE FOR HEALTH AND SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS.			
		TOTAL FUNDING	AGS	4,000 C	C
14.01		WAIPIO POINT ACCESS ROAD MULTIMODAL AND SAFETY IMPROVEMENTS, WAIPAHAU, OAHU			
		DESIGN AND CONSTRUCTION FOR WAIPIO POINT ACCESS ROAD MULTIMODAL AND SAFETY IMPROVEMENTS.			
		TOTAL FUNDING	TRN	C	2,100 C
F. SOCIAL SERVICES					
DEF112 - SERVICES TO VETERANS					
1.		WEST HAWAII VETERANS CEMETERY, EXPANSION AND IMPROVEMENTS, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR EXPANSION AND VARIOUS IMPROVEMENTS FOR THE WEST HAWAII VETERANS CEMETERY IN KONA, HAWAII. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	DEF	500 C	C
			DEF	1,200 P	3,210 P

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
HMS220 - RENTAL HOUSING SERVICES					
2.		LUMP SUM PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS, STATEWIDE			
		DESIGN AND CONSTRUCTION TO DEVELOP, UPGRADE, RENOVATE PUBLIC HOUSING FACILITIES. INCLUDING GROUND AND SITE IMPROVEMENTS, INFRASTRUCTURE, EQUIPMENT, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS, STATEWIDE.			
		TOTAL FUNDING	HMS	10,000 C	C
2.01		HALE POAI MODERNIZATION, OAHU			
		DESIGN TO DEVELOP, UPGRADE OR RENOVATE PUBLIC HOUSING FACILITIES; INCLUDING BUILDING AND SITE IMPROVEMENTS, INFRASTRUCTURE, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS.			
		TOTAL FUNDING	HMS	C	500 C
2.02		LUMP SUM HOUSING DEVELOPMENT, OAHU			
		DESIGN AND CONSTRUCTION TO DEVELOP, UPGRADE, RENOVATE PUBLIC HOUSING FACILITIES; INCLUDING GROUND AND SITE IMPROVEMENTS, INFRASTRUCTURE, EQUIPMENT, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS, STATEWIDE; PROJECT MAY INCLUDE THE DEVELOPMENT OF THREE HUNDRED MIXED INCOME UNITS AND THREE HUNDRED LEASEHOLD UNITS ON HPHA'S MAYOR WRIGHT HOMES PUBLIC HOUSING PROPERTY.			
		TOTAL FUNDING	HMS	C	10,000 C
2.03		PALOLO VALLEY HOMES, PHYSICAL IMPROVEMENTS, OAHU			
		CONSTRUCTION TO DEVELOP, UPGRADE OR RENOVATE PUBLIC HOUSING FACILITIES; INCLUDING BUILDING AND SITE IMPROVEMENTS, INFRASTRUCTURE, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS; INCLUDING FUNDS FOR PERMANENT AND NON-PERMANENT CIP PROJECT RELATED POSITIONS.			
		TOTAL FUNDING	HMS	C	3,970 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
2.04		KAHALE MUA, UTILITY IMPROVEMENTS, MOLOKAI			
		CONSTRUCTION TO DEVELOP, UPGRADE OR RENOVATE PUBLIC HOUSING FACILITIES; INCLUDING BUILDING AND SITE IMPROVEMENTS, INFRASTRUCTURE, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS; INCLUDING FUNDS FOR PERMANENT AND NON-PERMANENT CIP PROJECT RELATED POSITIONS.			
		TOTAL FUNDING	HMS	C	650 C
2.05		PUAHALA HOMES MODERNIZATION, OAHU			
		DESIGN TO DEVELOP, UPGRADE OR RENOVATE PUBLIC HOUSING FACILITIES; INCLUDING BUILDING AND SITE IMPROVEMENTS, INFRASTRUCTURE, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS; INCLUDING FUNDS FOR PERMANENT AND NON-PERMANENT CIP PROJECT RELATED POSITIONS.			
		TOTAL FUNDING	HMS	C	600 C
2.06		KAHEKILI TERRACE, ELECTRICAL UPGRADE AND INTERIOR REPAIRS, MAUI			
		DESIGN AND CONSTRUCTION TO DEVELOP, UPGRADE OR RENOVATE PUBLIC HOUSING FACILITIES; INCLUDING BUILDING AND SITE IMPROVEMENTS, INFRASTRUCTURE, APPURTENANCES AND ALL RELATED AND ASSOCIATED PROJECT COSTS FOR PUBLIC HOUSING DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS; INCLUDING FUNDS FOR PERMANENT AND NON-PERMANENT CIP PROJECT RELATED POSITIONS.			
		TOTAL FUNDING	HMS	C	4,280 C
HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS					
3.		INFRASTRUCTURE FOR HAWAIIAN HOME LANDS LOT DEVELOPMENT, STATEWIDE			
		PLANS, DESIGN, AND CONSTRUCTION FOR THE DEVELOPMENT OF INFRASTRUCTURE TO PROVIDE NEW HOMESTEAD LEASES ON HAWAIIAN HOME LANDS, STATEWIDE.			
		TOTAL FUNDING	HHL	30,000 C	20,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
4.		REPAIR AND MAINTENANCE OF INFRASTRUCTURE ON HAWAIIAN HOME LANDS, STATEWIDE			
		PLANS, DESIGN, AND CONSTRUCTION FOR REPAIR AND MAINTENANCE TO EXISTING INFRASTRUCTURE ON VARIOUS HAWAIIAN HOME LANDS, STATEWIDE.			
		TOTAL FUNDING	HHL	5,000	C 5,000
5.01		PULEHUNUI IMPROVEMENTS AND INFRASTRUCTURE, MAUI			
		PLANS, DESIGN, CONSTRUCTION, LAND ACQUISITION, AND EQUIPMENT FOR INFRASTRUCTURE FOR PULEHUNUI; PROJECT MAY INCLUDE WASTE WATER AND/OR WATER TRANSMISSION LINES FOR STATE PROJECTS AT PULEHUNUI; PROJECT MAY INCLUDE REPAIR, REFURBISHMENT, RENOVATION, AND/OR NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HHL	C	3,000
6.		LAND ACQUISITION FOR LOT DEVELOPMENT, OAHU			
		PLANS AND LAND ACQUISITION FOR LAND ACQUISITION ON OAHU: TMK(S) 39008034, 39005001			
		TOTAL FUNDING	HHL	1,000	C
6.01		LEIALII PARKWAY AND HIGHWAY IMPROVEMENTS, MAUI			
		PLANS, DESIGNS, AND CONSTRUCTION FOR LEIALII PARKWAYS AND HIGHWAY IMPROVEMENTS.			
		TOTAL FUNDING	HHL	C	9,000
G. FORMAL EDUCATION					
EDN100 - SCHOOL-BASED BUDGETING					
1.		LUMP SUM CIP - DEFERRED MAINTENANCE PROJECTS, STATEWIDE			
		PLANS, DESIGN, AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	87,778	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
2.		LUMP SUM CIP - INSTRUCTIONAL, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR EQUITY, INCLUDING RENOVATION, EXPANSION AND/OR REPLACEMENT OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	6,800 C	C
2.01		HONOKAA HIGH & INTERMEDIATE SCHOOL, HAWAII			
		DESIGN AND CONSTRUCTION FOR SCIENCE FACILITIES UPGRADES.			
		TOTAL FUNDING	EDN	C	1,400 C
2.02		VARIOUS SCHOOLS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR SPECIAL EDUCATION FACILITIES UPGRADES; INCLUDING RENOVATION, EXPANSION AND/OR REPLACEMENT OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,500 C
3.		LUMP SUM CIP - SUPPORT, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR THE IMPROVEMENT OF EXISTING OR NEW SCHOOL FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	8,500 C	C
3.01		KE KULA KAIAPUNI O ANUENUE, OAHU			
		DESIGN AND CONSTRUCTION FOR A GYMNASIUM.			
		TOTAL FUNDING	EDN	C	1,600 C
3.02		MAUI HIGH SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION TO RELOCATE DISTRICT MOWERS AND ADULT SCHOOL.			
		TOTAL FUNDING	EDN	C	10,000 C
3.03		PAHOA ELEMENTARY SCHOOL, HAWAII			
		DESIGN AND CONSTRUCTION FOR UPGRADES TO CLASSROOMS AND SUPPORT FACILITIES.			
		TOTAL FUNDING	EDN	C	2,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
3.04		VARIOUS SCHOOLS, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR PROGRAM SUPPORT AND THE IMPROVEMENT OF EXISTING OR NEW SCHOOL FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	16,000 C
4.		LUMP SUM CIP - COMPLIANCE, STATEWIDE			
		DESIGN AND CONSTRUCTION PROJECTS TO BRING THE DOE IN COMPLIANCE WITH ADA, ABR, AND GENDER EQUITY REQUIREMENTS.			
		TOTAL FUNDING	EDN	13,600 C	3,000 C
4.01		CASTLE HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR SOFTBALL FIELD IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	1,550 C
4.02		HANA HIGH & ELEMENTARY SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION FOR GIRLS ATHLETIC LOCKER ROOM.			
		TOTAL FUNDING	EDN	C	1,500 C
4.03		HONOKAA ELEMENTARY SCHOOL, HAWAII			
		DESIGN AND CONSTRUCTION FOR ARCHITECTURAL BARRIER REMOVAL.			
		TOTAL FUNDING	EDN	C	1,000 C
4.04		HONOKAA HIGH & INTERMEDIATE SCHOOL, HAWAII			
		DESIGN AND CONSTRUCTION FOR ARCHITECTURAL BARRIER REMOVAL.			
		TOTAL FUNDING	EDN	C	4,000 C
4.05		KAHAKAI ELEMENTARY SCHOOL, HAWAII			
		DESIGN FOR ARCHITECTURAL BARRIER REMOVAL.			
		TOTAL FUNDING	EDN	C	200 C
4.06		KAHUKU HIGH & INTERMEDIATE SCHOOL, OAHU			
		DESIGN FOR SOFTBALL FIELD.			
		TOTAL FUNDING	EDN	C	350 C
4.07		KALANIANAOLE ELEMENTARY & INTERMEDIATE SCHOOL, HAWAII			
		DESIGN FOR ARCHITECTURAL BARRIER REMOVAL.			
		TOTAL FUNDING	EDN	C	350 C

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ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
4.08		KILAUEA ELEMENTARY SCHOOL, KAUAI DESIGN FOR ARCHITECTURAL BARRIER REMOVAL. TOTAL FUNDING	EDN	C	250 C
4.09		KOLOA ELEMENTARY SCHOOL, KAUAI DESIGN FOR ARCHITECTURAL BARRIER REMOVAL. TOTAL FUNDING	EDN	C	250 C
4.1		LEILEHUA HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR GIRLS ATHLETIC LOCKER ROOM. TOTAL FUNDING	EDN	C	1,500 C
4.11		PAAUILO ELEMENTARY & INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR ADA TRANSITION. TOTAL FUNDING	EDN	C	2,150 C
4.12		PAHOA HIGH & INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR GIRLS ATHLETIC LOCKER ROOM. TOTAL FUNDING	EDN	C	500 C
4.13		PUUHALE ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR SOFTBALL FIELD. TOTAL FUNDING	EDN	C	2,750 C
4.14		VARIOUS SCHOOLS, STATEWIDE DESIGN AND CONSTRUCTION FOR ADA IMPROVEMENTS. TOTAL FUNDING	EDN	C	3,000 C
4.15		VARIOUS SCHOOLS, STATEWIDE DESIGN AND CONSTRUCTION FOR GENDER EQUITY IMPROVEMENTS STATEWIDE. TOTAL FUNDING	EDN	C	2,000 C
5.		LUMP SUM CIP - HEALTH AND SAFETY, STATEWIDE PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO SCHOOL FACILITIES AND GROUNDS TO MEET HEALTH AND SAFETY REQUIREMENTS/ LAWS, AND ORDINANCES AND/OR COUNTY REQUIREMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	10,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
5.01		KALAKAUA MIDDLE SCHOOL, OAHU CONSTRUCTION FOR DEMOLITION OF BUILDINGS G AND H.			
		TOTAL FUNDING	EDN	C	450C
5.02		KALIHI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR COVERED PLAYCOURT STRUCTURAL REPAIRS.			
		TOTAL FUNDING	EDN	C	500C
5.03		KAOHAO PUBLIC CHARTER SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS FIRE ALARM UPGRADE.			
		TOTAL FUNDING	EDN	C	1,000C
5.04		VARIOUS SCHOOLS, STATEWIDE CONSTRUCTION FOR ASSEMBLY AREA FANS.			
		TOTAL FUNDING	EDN	C	750C
5.05		VARIOUS SCHOOLS, STATEWIDE DESIGN AND CONSTRUCTION FOR HEALTH AND SAFETY, STATEWIDE.			
		TOTAL FUNDING	EDN	C	5,000C
6.		LUMP SUM CIP - PROJECT COMPLETION, STATEWIDE PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR PROJECT COMPLETION INCLUDING CONSTRUCTION MANAGEMENT COSTS, PURCHASE ORDERS, UTILITIES CHARGES, CHANGE ORDERS, AND ALL OTHER COSTS ASSOCIATED WITH THE COMPLETION OF A PROJECT.			
		TOTAL FUNDING	EDN	25,000C	30,000C
7.		AHUIMANU ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR ADA ACCESSIBLE PATHWAY FROM UPPER TO LOWER CAMPUS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	750C	C
8.		AIEA HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW STATE OF THE ART CULINARY PROGRAM AND A NEW MULTIPURPOSE ROOM IN THE CAFETERIA AND RENOVATION OF BUILDING C, ROOM 1 AND 2.			
		TOTAL FUNDING	EDN	6,200C	C

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ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
8.01		AIEA INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR OUTDOOR GATHERING AREA, INCLUDING STAGE, SEATING AND INFRASTRUCTURE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	2,000 C
8.02		AINA HAINA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PARKING LOT EXPANSION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	1,000 C
9.		ALA WAI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		300 C	C
10.		ALIOLANI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION TO INSTALL CEILING FANS IN VARIOUS BUILDINGS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; PROJECT MAY INCLUDE IMPROVEMENTS, RENOVATIONS, OR NEW CONSTRUCTION FOR HEAT ABATEMENT. TOTAL FUNDING EDN		200 C	C
12.		AUGUST AHRENS ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW CLASSROOM BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		23,000 C	C
12.01		AUGUST AHRENS ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PHASE TWO OF THE WHOLE SCHOOL RENOVATION, AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	1,300 C
13.01		BARBERS POINT ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW RESTROOM OR RESTROOMS TO SERVICE THE CAFETERIA; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	600 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
14.		BLANCHE POPE ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN FOR A NEW FREE-STANDING BUILDING TO HOUSE THE EXISTING HAWAIIAN-LANGUAGE IMMERSION PROGRAM AND ENGLISH-LANGUAGE PRESCHOOL. TOTAL FUNDING EDN		850	C
15.		CAMPBELL HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ATHLETIC STADIUM AND SUPPORT FACILITIES PER MASTER PLAN; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		7,000	C
17.		CASTLE HIGH SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR TRACK AND FIELD IMPROVEMENTS, FIELD LIGHTING REPLACEMENT AND UPGRADE, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS. TOTAL FUNDING EDN		4,500	C
18.		CENTRAL MAUI NEW ELEMENTARY AND MIDDLE SCHOOL, MAUI PLANS FOR A NEW CENTRAL MAUI ELEMENTARY AND MIDDLE SCHOOL CAMPUS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		500	C
20.		DOLE MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR OUTDOOR COVERINGS FOR LEARNING AND MEETING SPACE, IMPROVEMENTS TO CAFETERIA TO INCLUDE STRUCTURAL REHABILITATION, REPLACEMENT OF WINDOWS, FURNITURE AND KITCHEN EQUIPMENT. TOTAL FUNDING EDN		2,000	C
20.01		DOLE MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INNOVATION LEARNING LAB. TOTAL FUNDING EDN		C	2,000
21.		EAST KAPOLEI ELEMENTARY, HOOPILI, OAHU DESIGN FOR NEW SCHOOL; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		4,000	C

CAPITAL IMPROVEMENT PROJECTS

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				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
22.		EAST KAPOLEI HIGH SCHOOL, OAHU			
		PLANS FOR A NEW EAST KAPOLEI HIGH SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	500 C	C
22.01		ENCHANTED LAKE ELEMENTARY SCHOOL, OAHU			
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR RESURFACING AND EXPANSION OF SCHOOL DRIVEWAYS AND PARKING LOTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	700 C
23.01		HAIKU ELEMENTARY SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION FOR CAMPUS FENCING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,000 C
24.		HANA HIGH AND ELEMENTARY SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION FOR THE RENOVATION OF THE CULINARY ARTS FACILITIES; REPLACE TERMITE DAMAGED FACILITIES, DAMAGED EQUIPMENT AND MEET DEPARTMENT OF HEALTH REQUIREMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	880 C	C
24.01		HANA HIGH AND ELEMENTARY SCHOOL, MAUI			
		DESIGN FOR A COVERED PLAY COURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	500 C
25.		HAWAII SCHOOL FOR THE DEAF AND BLIND, OAHU			
		CONSTRUCTION TO REPLACE THE PLAYGROUND EQUIPMENT AND RUBBERIZED SURFACING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	150 C	C
26.		HILO HIGH SCHOOL, HAWAII			
		CONSTRUCTION AND EQUIPMENT FOR RUBBERIZED TRACK AND SYNTHETIC TURF, BLEACHERS, AND EQUIPMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	4,500 C	C

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ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
27.01		HONOKAA ELEMENTARY SCHOOL, HAWAII			
		DESIGN AND CONSTRUCTION FOR A COVERED PLAYCOURT, INCLUDING RETAINING WALL AND COVERED WALKWAY; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	500 C
28.		HOOKENA ELEMENTARY SCHOOL, HAWAII			
		CONSTRUCTION FOR DRAINAGE IMPROVEMENTS AND DESIGN AND CONSTRUCTION FOR CAMPUS IMPROVEMENTS; PROJECT MAY INCLUDE OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	555 C	C
29.		ILIMA INTERMEDIATE SCHOOL, OAHU			
		DESIGN FOR 6TH GRADE BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	500 C	C
30.		JARRETT MIDDLE SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION TO REROOF BUILDING H AND REPLACE LIGHT FIXTURES FOR BUILDING I; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	200 C	C
30.01		JARRETT MIDDLE SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR STRUCTURAL RENOVATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	2,200 C
32.		KAHAKAI ELEMENTARY SCHOOL, HAWAII			
		PLANS DESIGN AND CONSTRUCTION FOR A ADA COMPLIANCE BRIDGE TO CONNECT BUILDING A AND BUILDING B; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,500 C	C
33.		KAHALUU ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO RENOVATE BUILDING A RESTROOMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	550 C	C

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ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
33.01		KAHUKU HIGH AND INTERMEDIATE SCHOOL, OAHU			
		DESIGN OF A NEW CLASSROOM BUILDING, ATHLETIC IMPROVEMENTS AND BUILDING RENOVATIONS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	2,700C
34.		KAILUA INTERMEDIATE SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR PLAYCOURT RESURFACING AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES			
		TOTAL FUNDING	EDN	500C	C
35.		KAIMILOA ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR MAJOR PAVEMENT IMPROVEMENTS TO THE EXISTING FIRE LANE; FIELD AND CAMPUS IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	EDN	210C	C
36.		KAIMUKI HIGH SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A GIRLS ATHLETIC LOCKER ROOM, PROJECT MAY INCLUDE REFURBISHMENT, REPAIR, RENOVATION, OR NEW CONSTRUCTION, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	7,000C	C
37.		KAIMUKI HIGH SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SOFTBALL FIELD IMPROVEMENTS, PROJECT MAY INCLUDE REFURBISHMENT, REPAIR, RENOVATION, OR NEW CONSTRUCTION, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,200C	C
37.01		KAIMUKI MIDDLE SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR A WALKING PATH FROM THE CAFETERIA TO THE PHYSICAL EDUCATION BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	200C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
37.02		KAINALU ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR RENOVATION OF LIBRARY AND COVERED WALKWAYS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	2,000C
39.		KALAHEO HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PHOTOVOLTAIC; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000C	C
39.01		KALAHEO HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR RENOVATING PE, GYM AND ATHLETIC LOCKER ROOM FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	3,500C
39.02		KALAKAUA MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW PORTABLE CLASSROOM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,100C
40.		KALANI HIGH SCHOOL, OAHU CONSTRUCTION TO INSTALL A RUBBERIZED TRACK AND ARTIFICIAL TURF ON THE ATHLETIC FIELD; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	3,400C	C
41.		KALEIOPUU ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; PROJECT MAY INCLUDE REPAIR, REPLACEMENT, OR NEW CONSTRUCTION OF ROOF/RE-ROOF; PROJECT MAY INCLUDE WHOLE SCHOOL RENOVATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,139C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
43.		KALIHI KAI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR REPAIRS AND IMPROVEMENTS TO THE PARKING LOT NEXT TO BUILDING K AND ADMIN BUILDING FRONTING KAUMUALII STREET; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		500	C C
44.		KALIHI WAENA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO SIDEWALKS AND BRIDGES FOR ACCESS TO KALIHI WAENA ELEMENTARY, AND/OR REPAIR OF FOOTBRIDGE, ACCESSIBILITY IMPROVEMENTS, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT. TOTAL FUNDING EDN		3,000	C C
44.01		KANEOHE ELEMENTARY SCHOOL, OAHU DESIGN FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	600 C
44.02		KANOELANI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW PORTABLE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	1,400 C
44.03		KAULUWELA ELEMENTARY SCHOOL, OAHU DESIGN FOR NEW MULTIPURPOSE AND CAFETERIA BUILDING, WHICH MAY INCLUDE CLASSROOMS AND/OR ADMINISTRATIVE AND SUPPORT FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	2,175 C
45.		KAPALAMA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW PARKING WITH STUDENT DROP OFF; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		700	C C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
46.		KAWANANAKOA MIDDLE SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING EDN		1,165 C	C
48.		KEALAKEHE INTERMEDIATE SCHOOL, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; PROJECT MAY INCLUDE RENOVATION, REPAIR, UPGRADE, OR REPLACEMENT OF CAMPUS FIRE ALARM SYSTEM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING EDN		1,200 C	C
49.01		KIHEI ELEMENTARY SCHOOL, MAUI			
		PLANS AND DESIGN FOR A NEW CLASSROOM BUILDING FOR SPECIAL EDUCATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING EDN		C	2,500 C
49.02		KILAUEA ELEMENTARY SCHOOL, KAUAI			
		DESIGN FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING EDN		C	500 C
49.03		KING INTERMEDIATE SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS AT BUILDING C; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING EDN		C	530 C
50.		KING KEKAULIKE HIGH SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION OF A BLACK BOX THEATER AND SUPPORTING FUNCTIONS FOR EXISTING PERFORMING ARTS CENTER; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING EDN		15,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
51.		KIPAPA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED PLAYCOURT; OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		3,000 C	C
52.		KOLOA ELEMENTARY SCHOOL, KAUAI DESIGN AND CONSTRUCTION FOR VARIOUS PROJECTS; PROJECTS MAY INCLUDE PARKING LOT REPAIR, REROOFING, AND REPLACEMENT OF CEILING FANS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		932 C	C
53.		LAHAINA INTERMEDIATE, MAUI DESIGN, CONSTRUCTION AND EQUIPMENT FOR RESURFACING OF PLAYCOURTS, AND IMPROVEMENTS TO PLAYCOURTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		900 C	C
53.01		LAHAINA INTERMEDIATE SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR A MULTIPURPOSE COVERED FACILITY FOR PLAY, EATING AND INSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	600 C
53.02		LAHAINA INTERMEDIATE SCHOOL, MAUI PLANS AND DESIGN FOR A MULTIPURPOSE LIBRARY, STEAM, ADMINISTRATION BUILDING. TOTAL FUNDING EDN		C	500 C
54.		LAHAINALUNA COMPLEX, MAUI PLANS, LAND, DESIGN, CONSTRUCTION AND EQUIPMENT FOR TEACHER HOUSING IN LAHAINALUNA COMPLEX AREA; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		15,000 C	C
54.01		LANAI HIGH AND ELEMENTARY SCHOOL, LANAI DESIGN FOR GYM RENOVATION/SHELTER IMPROVEMENTS OR NEW GYM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	500 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
55.		LIHOLIHO ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR DRAINAGE IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES	EDN	430	C
56.		LUNALILO ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT FOR HEAT ABATEMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	550	C
57.		LUNALILO ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED WALKWAYS; OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS.	EDN	675	C
57.01		LUNALILO ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED MULTIPURPOSE SPACE, CAMPUS SECURITY IMPROVEMENTS, AND GROUND AND INFRASTRUCTURE IMPROVEMENTS.	EDN	C	3,350
58.		MAILI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS AND ADDITIONAL PARKING STALLS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	550	C
59.01		MANOA ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN TO CONVERT ROOMS FOR MULTIPLE-PURPOSE USAGE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	150
60.		MAUI HIGH SCHOOL, MAUI PLANS AND DESIGN FOR FIELD HOUSE.	EDN	2,500	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
				M O F	M O F
61.		MAUI WAENA INTERMEDIATE SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; PROJECT MAY INCLUDE WHOLE SCHOOL RENOVATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	2,400	C
		TOTAL FUNDING			
62.		MAUNAWILI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A COVERED COURTYARD; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	950	C
		TOTAL FUNDING			
62.01		MAUNAWILI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED OUTDOOR LEARNING SPACES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	1,500
		TOTAL FUNDING			
63.		MCKINLEY HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ATHLETIC COMPLEX IMPROVEMENTS, INCLUDING BLEACHERS, LOCKER ROOMS, STADIUM AND GENERAL FIELD LIGHTING, AND OTHER PE/ATHLETIC FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	4,730	18,000
		TOTAL FUNDING			
64.		MILILANI HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ADMINISTRATION BUILDING EXPANSION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES	EDN	3,500	C
		TOTAL FUNDING			
64.01		MILILANI UKA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ADA IMPROVEMENTS FOR PUBLIC ACCOMMODATIONS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	1,000
		TOTAL FUNDING			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
65.		MOANALUA ELEMENTARY SCHOOL, OAHU			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A MULTIPURPOSE INNOVATION CENTER, INCLUDING GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	4,000 C	C
66.		MOANALUA MIDDLE SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A COVERED PLAY COURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	3,500 C	C
67.01		NAALEHU ELEMENTARY SCHOOL, HAWAII			
		PLANS FOR A NEW CAMPUS, OR PHASED CAMPUS RECONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	500 C
67.02		NAHIENAENA ELEMENTARY SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION FOR A MULTIPURPOSE COVERED FACILITY FOR PLAY, EATING AND INSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	600 C
68.		NANAIAKAPONO ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR EXPANDING FOR CAFÉ BOYS AND GIRLS RESTROOM RENOVATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000 C	C
69.01		NANAKULI HIGH AND INTERMEDIATE SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR BASEBALL FIELD RENOVATION, INCLUDING ACCESSIBLE PATH AND BLEACHERS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,500 C
70.		NUUANU ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SCHOOL REPAIR, RENOVATION, REFURBISHMENT, NEW CONSTRUCTION, AND/OR IMPROVEMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,450 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
70.01		PAHOA HIGH AND INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR CAMPUS COVERED WALKWAY; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,000 C
71.		PALOLO ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION TO INSTALL CEILING FANS IN BUILDING D; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; PROJECT MAY INCLUDE IMPROVEMENTS, RENOVATIONS, OR NEW CONSTRUCTION FOR HEAT ABATEMENT. TOTAL FUNDING	EDN	280 C	C
71.01		PALOLO ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION TO RENOVATE BUILDING D, INCLUDING RESTROOM RENOVATION; ADA IMPROVEMENTS SUCH AS AN ELEVATOR; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,000 C
71.02		PAPAHANA O KAIONA, OAHU PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR AN ALTERNATIVE LEARNING PROGRAM FACILITY FOR THE NANAKULI-WAIANA E COMPLEX; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,000 C
72.		PAUOA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	1,165 C	C
73.		PEARL CITY HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT TO RENOVATE MEDICAL CLASSROOM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	1,600 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
74.		PEARL CITY HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT TO REPLACE GYMNASIUM BLEACHERS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		950 C	C
75.		PUU KUKUI ELEMENTARY SCHOOL, MAUI PLANS, LAND, AND DESIGN FOR DUE DILIGENCE FOR ACQUISITION OF AN INTEREST IN LAND ADJACENT TO SCHOOL CAMPUS. TOTAL FUNDING EDN		150 C	C
76.		RADFORD HIGH SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO RENOVATE WEIGHT ROOM. TOTAL FUNDING EDN		2,750 C	C
76.01		RADFORD HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT FOR RENOVATION AND MODERNIZATION OF THE BAND ROOM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	3,200 C
77.		RED HILL ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		700 C	C
78.		ROOSEVELT HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW GYMNASIUM WITH LOCKER ROOMS, CLASSROOMS, AND OTHER RELATED FACILITIES; PARKING BELOW AND AROUND THE GYMNASIUM; BUS AND VEHICLE ACCESS IMPROVEMENTS TO ACCOMMODATE GROUP DROP-OFF AND PICK-UP; GROUND AND SITE IMPROVEMENTS; AND EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		18,000 C	C
78.01		ROOSEVELT HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION TO RENOVATE LOCKER ROOMS IN BUILDING J; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	550 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
79.		ROYAL KUNIA ELEMENTARY, OAHU PLANS AND DESIGN FOR PROOF OF CONCEPT FOR A NEW SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	200	C
80.		SALT LAKE ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION FOR CAFETERIA STAGE IMPROVEMENTS AND AIR CONDITIONING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	1,500	C
80.01		WAHIAWA MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR BUILDING J EXPANSION AND RENOVATION, INCLUDING ADMINISTRATIVE FACILITIES AND AIR CONDITIONING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	650
81.		WAIAKEA HIGH SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR GIRLS ATHLETIC LOCKER ROOM, INCLUDING THE RENOVATION OF LOCKERS, SHOWERS, RESTROOMS AND COACH/TEACHER OFFICES AT BOYS AND GIRLS LOCKER ROOMS FOR ADA AND GENDER EQUITY COMPLIANCE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	5,000	C
82.		WAIALUA HIGH AND INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION OF FACILITIES RENOVATIONS FOR STEM PROGRAM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	1,350	C
83.		WAIANAE HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A RUBBERIZED ALL WEATHER TRACK; INCLUDING OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	4,000	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
84.		WAI'AU ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A COVERED WALKWAY BETWEEN BUILDINGS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	2,400	C
85.		WAIHEE ELEMENTARY SCHOOL, MAUI DESIGN FOR COVERED PLAYGROUND. TOTAL FUNDING	EDN	800	C
86.		WAIKELE ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR LIGHTING IMPROVEMENT CAMPUS WIDE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	970	C
86.01		WAIKOLOA ELEMENTARY AND MIDDLE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR NEW STAIRS AND/OR OTHER CONNECTION BETWEEN THE BUILDINGS I AND J COURTYARD AREA; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	550
87.		WAILUKU ELEMENTARY SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS. TOTAL FUNDING	EDN	2,500	C
89.01		WAI MEA ELEMENTARY SCHOOL, HAWAII PLANS FOR A MASTER PLAN FOR WAI MEA ELEMENTARY, WAI MEA MIDDLE SCHOOL INCLUSIVE OF THE SURROUNDING PARCELS. TOTAL FUNDING	EDN	C	500
90.		WAI MEA HIGH SCHOOL, KAUAI DESIGN AND CONSTRUCTION FOR GYMNASIUM AND OTHER RELATED FACILITIES AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	27,000	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
92.		WAIPAHAU HIGH SCHOOL, OAHU CONSTRUCTION FOR THE INTEGRATED ACADEMY FACILITY; INCLUDING RENOVATIONS AND RELOCATION FOR THE ACADEMIC HEALTH CENTER; AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	23,060 C	C
		TOTAL FUNDING			
93.		WASHINGTON MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION OF A NEW BAND ROOM INCLUDING RENOVATION OF THE CURRENT BAND ROOM FOR OTHER CURRICULUMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	2,000 C	8,000 C
		TOTAL FUNDING			
94.01		WEBLING ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR THE EXPANSION OF THE ADMINISTRATION AND LIBRARY BUILDINGS AND FOR COVERED WALKWAYS TO CLASSROOM BUILDINGS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	500 C
		TOTAL FUNDING			
95.		WEBLING ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS COVERED WALKWAYS; OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.	EDN	1,000 C	C
		TOTAL FUNDING			
95.01		AIEA ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT FOR CAMPUS-WIDE COVERED WALKWAYS AND PARKING LOT SOLAR CANOPY; GROUND AND SITE IMPROVEMENTS.	EDN	C	1,910 C
		TOTAL FUNDING			
95.02		BALDWIN HIGH SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR PE AND ATHLETIC FACILITIES, AND OTHER ATHLETICS IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	5,830 C
		TOTAL FUNDING			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
95.03		CAMPBELL HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR CONTINUATION OF DESIGN AND CONSTRUCTION FOR ATHLETIC STADIUM AND SUPPORT FACILITIES PER MASTER PLAN; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	6,000C
95.04		HIGH CORE PROGRAM, NEW BUILDING, CENTRAL DISTRICT, OAHU			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW BUILDING FOR THE HIGH CORE PROGRAM ON TMK 7-4-017:002; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	13,000C
95.05		FARRINGTON HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR PHASE TWO OF MASTER PLAN; FOR CONSTRUCTION OF NEW CLASSROOMS, MUSIC BUILDING, PHYSICAL EDUCATION FACILITIES, AND SCHOOL GYMNASIUM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	58,000C
95.06		HELEMANO ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW LIBRARY AND ADMINISTRATION BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	19,500C
95.07		HILO HIGH SCHOOL, HAWAII			
		DESIGN AND CONSTRUCTION FOR MULTI-STORY PARKING STRUCTURE; GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	7,500C
95.08		IAO INTERMEDIATE SCHOOL, MAUI			
		LAND ACQUISITION FOR SCHOOL EXPANSION AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	EDN	C	800C
95.09		ILIAHI ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR EXPANSION OF THE ADMINISTRATION BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	3,500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
95.10		KEAAU HIGH SCHOOL, HAWAII PLANS AND DESIGN FOR SWIMMING POOL. TOTAL FUNDING	EDN	C	2,500 C
95.11		KEELIKOLANI MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR NEW BATHROOMS IN BUILDING D. TOTAL FUNDING	EDN	C	100 C
95.12		KING KAMEHAMEHA III ELEMENTARY SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR HEALTH AND SAFETY AND OTHER RELATED IMPROVEMENTS. TOTAL FUNDING	EDN	C	3,600 C
95.13		LEILEHUA-MILILANI-WAIALUA COMPLEX AREA, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A LEILEHUA-MILILANI-WAIALUA COMPLEX AREA CENTRALIZED KITCHEN ON TMK: 7-1-002:004; 7-1-002:009; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	35,000 C
95.14		MAUI HIGH SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR FENCES AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS. TOTAL FUNDING	EDN	C	650 C
95.15		MILILANI WAENA ELEMENTARY SCHOOL, OAHU PLANS, DESIGNS, AND CONSTRUCTION FOR CAFETERIA EXPANSION, RENOVATION OF EXISTING SERVING KITCHEN INTO ADMINISTRATION SPACE AND OTHER SCHOOL IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	7,000 C
95.16		MOLOKAI HIGH SCHOOL, MOLOKAI PLANS, DESIGN, AND CONSTRUCTION FOR ATHLETICS AND PHYSICAL EDUCATION FACILITIES. TOTAL FUNDING	EDN	C	3,026 C
95.17		PALISADES ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR AN OUTDOOR COVERED PLAYCOURT. TOTAL FUNDING	EDN	C	5,500 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
95.18		ROOSEVELT HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR NEW MUSIC FACILITIES WITH CLASSROOMS, PRACTICE ROOMS, TEACHER OFFICES, AND OTHER RELATED FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND RELATED IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	19,000C
95.19		ALVAH SCOTT ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION OF A NEW COMPUTER LAB, INSTALLATION OF A NEW KINDERGARTEN PLAYGROUND, AND CAMPUS-WIDE ELECTRICAL IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	1,150C
95.20		AUGUST AHRENS ELEMENTARY SCHOOL, OAHU			
		CONSTRUCTION FOR A NEW SCHOOL-WIDE UNIFIED COMMUNICATION BELL AND PUBLIC ADDRESS SYSTEM.			
		TOTAL FUNDING	EDN	C	650C
95.21		KAELEPULU ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR OUTDOOR PERFORMANCE STRUCTURE, INCLUDING LIGHTING, AUDIO SYSTEM, ELECTRICAL, TELECOM AND SAFETY IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	200C
95.22		KALAMA MIDDLE SCHOOL, MAUI			
		DESIGN OF A NEW ADMINISTRATION BUILDING, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	13,000C
95.23		KAUAI HIGH SCHOOL, KAUAI			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR GYMNASIUM IMPROVEMENTS, INCLUDING ONE OR MORE DIGITAL VIDEO BOARDS, ADJUSTABLE LIGHTING, FLOOR STRIPING AND PROTECTORS, REHABILITATION EQUIPMENT AND OTHER IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
95.24		KING KEKAULIKE HIGH SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION FOR BAND ROOM MODERNIZATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	2,000 C
95.25		KULA ELEMENTARY SCHOOL, MAUI			
		DESIGN AND CONSTRUCTION OF CAFETERIA AND WASTEWATER IMPROVEMENTS AT KEOKAHA, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	6,000 C
95.26		MAKAWAO ELEMENTARY SCHOOL, MAUI			
		DESIGN OF WATER SYSTEM UPGRADES, ADA COMPLIANCE, AND OTHER SCHOOL IMPROVEMENTS, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	5,000 C
95.27		MCKINLEY HIGH SCHOOL, OAHU			
		CONSTRUCTION FOR PAINTING OF BUILDINGS A THROUGH F, AND H AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	1,400 C
95.28		MILILANI HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR SOFTBALL FIELD IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	2,000 C
95.29		PUKALANI ELEMENTARY SCHOOL, MAUI			
		DESIGN OF A NEW ADMINISTRATION-LIBRARY BUILDING, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	25,000 C
95.30		PUKALANI ELEMENTARY SCHOOL, MAUI			
		DESIGN OF A NEW MULTIPURPOSE COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	5,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
95.31		SHAFTER ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR A REPLACEMENT SHAFTER ELEMENTARY SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	EDN	C	16,400 C
			EDN	P	65,600 P
95.32		NIMITZ ELEMENTARY SCHOOL, OAHU			
		PLANS AND DESIGN FOR CAMPUS IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	EDN	C	1,500 C
			EDN	P	6,000 P
95.33		LEHUA ELEMENTARY SCHOOL, OAHU			
		PLANS AND DESIGN FOR CAMPUS IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	EDN	C	1,500 C
			EDN	P	6,000 P
95.34		KE KULA O EHUNUIKAIMALINO, HAWAII			
		DESIGN, CONSTRUCTION, AND LAND ACQUISITION FOR CLASSROOM PORTABLES AND INFRASTRUCTURE, RENOVATION AND EXPANSION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND OTHER WORK.			
		TOTAL FUNDING	EDN	C	2,000 C
95.35		AHUIMANU ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR CAMPUS ADA ACCESSIBLE ROUTE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,300 C
95.36		AIEA HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR BUILDING A REGRADE HILLSIDE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	594 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
95.37		ALA WAI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	4,294 C
95.38		BALDWIN HIGH SCHOOL, MAUI DESIGN FOR PE AND ATHLETIC FACILITIES, INCLUDING LOCKER ROOMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	600 C
95.39		CASTLE HIGH SCHOOL, OAHU CONSTRUCTION FOR ADA IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	1,372 C
95.40		CASTLE HIGH SCHOOL, OAHU CONSTRUCTION TO REPLACE STADIUM LIGHT FIXTURES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	300 C
95.41		ELEELE ELEMENTARY SCHOOL, KAUAI PLANS, DESIGN, AND CONSTRUCTION FOR AIR CONDITIONING.	EDN	C	1,500 C
95.42		EWA BEACH ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR VARIOUS REPAIR AND MAINTENANCE PROJECTS AT EWA BEACH ELEMENTARY SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	466 C
95.43		EWA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR VARIOUS REPAIR AND MAINTENANCE PROJECTS AT EWA ELEMENTARY SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	2,319 C
95.44		FARRINGTON HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION TO REPLACE THE GYM BLEACHERS.	EDN	C	875 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
95.45		HILO HIGH SCHOOL, HAWAII CONSTRUCTION AND EQUIPMENT FOR NEW RUBBERIZED TRACK AND SYNTHETIC TURF, BLEACHERS, AND EQUIPMENT. TOTAL FUNDING EDN		C	6,000 C
95.46		HOLUALOA ELEMENTARY SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR THE REMOVAL AND RELOCATION OF FACILITIES AND BUILDING OF NEW FACILITIES FOR CLASSROOMS, LIBRARY, ROADWAYS, AND PARKING IMPROVEMENTS; FUNDS MAY BE USED FOR OTHER FACILITIES AND STRUCTURES ASSOCIATED WITH THE SCHOOL OR CAMPUS; RENOVATIONS, REPAIR, REFURBISHMENT, AND/OR NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	2,000 C
95.47		KAAHUMANU ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAFETERIA IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	300 C
95.48		KAILUA HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INSTALLATION OF BASEBALL INFIELD TURF, BASELINES, AND OTHER RELATED IMPROVEMENTS. TOTAL FUNDING EDN		C	1,350 C
95.49		KALANI HIGH SCHOOL, OAHU CONSTRUCTION FOR RUBBERIZED TRACK AND INSTALLATION OF FIELD TURF. TOTAL FUNDING EDN		C	2,960 C
95.50		KALANI HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION TO REPLACE THE GYM BLEACHERS. TOTAL FUNDING EDN		C	875 C
95.51		KAPALAMA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ADA TRANSITION. TOTAL FUNDING EDN		C	1,500 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
95.52		KAPALAMA ELEMENTARY SCHOOL, OAHU DESIGNS FOR BUILDING I TO DEMOLISH CUSTODIAN COTTAGE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	75 C
95.53		KAPOLEI HIGH SCHOOL, OAHU CONSTRUCTION FOR ADA IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	400 C
95.54		KAUNAKAKAI ELEMENTARY SCHOOL, MOLOKAI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ROOF REPLACEMENT AND INSTALL BLEACHERS. TOTAL FUNDING	EDN	C	743 C
95.55		KAWANANAKOA MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION TO REPAIR BUILDING F AND G RAILINGS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	150 C
95.56		KAWANANAKOA MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION TO REPAIR BUILDING J RAILINGS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	150 C
95.57		KEAAU HIGH SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR CAMPUS-WIDE RE-WIRING OF FIRE ALARMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	175 C
95.58		KEAAU MIDDLE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR CAMPUS REPAIR FIRE ALARM SYSTEM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	90 C
95.59		KUHIO ELEMENTARY SCHOOL, OAHU CONSTRUCTION OF A COVERING FROM CAFETERIA TO H AND BUILDINGS. TOTAL FUNDING	EDN	C	500 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
95.60		LIKELIKE ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR ADA TRANSITION.			
		TOTAL FUNDING	EDN	C	1,425 C
95.61		MAUI WAENA INTERMEDIATE SCHOOL, MAUI			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR AIR CONDITIONING OF VARIOUS CLASSROOMS AND SCHOOL FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,250 C
95.62		MILILANI WAENA ELEMENTARY, OAHU			
		DESIGN AND CONSTRUCTION FOR CLASSROOM RENOVATIONS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	200 C
95.63		MOANALUA HIGH SCHOOL, OAHU			
		PLANNING AND DESIGN FOR NEW ATHLETIC FACILITY TO INCLUDE A GIRLS LOCKER ROOM, TRAINING ROOM, MEETING ROOM, AND STORAGE.			
		TOTAL FUNDING	EDN	C	750 C
95.64		NANAKULI HIGH AND INTERMEDIATE SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION TO BUILD A PERFORMING ARTS CENTER AUDITORIUM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	2,000 C
95.65		PEARL CITY HIGH SCHOOL, OAHU			
		CONSTRUCTION TO RESURFACE PARKING LOT DRIVEWAY; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	396 C
95.66		RADFORD HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR CAFETERIA HEAT ABATEMENT INCLUDING WINDOW UPGRADES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,700 C
95.67		RADFORD HIGH SCHOOL, OAHU			
		EQUIPMENT AND FURNISHINGS FOR KITCHEN/MULTI-PURPOSE ROOM.			
		TOTAL FUNDING	EDN	C	65 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
95.68		RED HILL ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,750 C
95.69		WAHIAWA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ARCHITECTURAL BARRIER REMOVAL. TOTAL FUNDING	EDN	C	2,500 C
95.7		WAIAKEA ELEMENTARY SCHOOL, HAWAII CONSTRUCTION TO REPLACE PLAYGROUND EQUIPMENT BEHIND BUILDING B, INCLUDING FIELD IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	750 C
95.71		WAIANAE COAST SWIMMING POOL PROJECT, OAHU PLANS AND DESIGN FOR FEASIBILITY STUDY AND DUE DILIGENCE EFFORT FOR WAIANAE COAST SWIMMING POOL AND MULTI-PURPOSE BUILDING. TOTAL FUNDING	EDN	C	250 C
95.72		WAIANAE HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION, AND INSTALLATION FOR A RUBBERIZED ALL-WEATHER TRACK AND FIELD; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,500 C
95.73		WAIHEE ELEMENTARY SCHOOL, MAUI CONSTRUCTION FOR REPLACEMENT OF PLAYGROUND EQUIPMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	150 C
95.74		WAILUKU ELEMENTARY SCHOOL, MAUI DESIGN FOR ADA TRANSITION. TOTAL FUNDING	EDN	C	270 C
95.75		WAIMANALO ELEMENTARY AND INTERMEDIATE SCHOOL, OAHU CONSTRUCTION FOR ARCHITECTURAL BARRIER REMOVAL. TOTAL FUNDING	EDN	C	2,350 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
EDN400 - SCHOOL SUPPORT					
96.		LUMP SUM - OFFICE OF INFORMATION TECHNOLOGY SERVICES, STATEWIDE			
		DESIGN, CONSTRUCTION, AND EQUIPMENT TO MAINTAIN AND IMPROVE DOE'S CONVERGED INFRASTRUCTURE PROVIDING BELLS AND PAGING FOR SCHOOL SAFETY; CONVERGED INFRASTRUCTURE PROVIDING SCHOOLS ACCESS TO ON-LINE LEARNING AND INTERNET RESOURCES; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	5,000 C	5,000 C
EDN450 - SCHOOL FACILITIES AUTHORITY					
97.01		CENTRAL MAUI NEW ELEMENTARY AND MIDDLE SCHOOL, MAUI			
		PLANS AND DESIGN FOR MASTER PLANNING FOR A NEW ELEMENTARY AND MIDDLE SCHOOL IN CENTRAL MAUI; INCLUDING ALL CAMPUS AND COMMUNITY RELATED IMPROVEMENTS, RENOVATION, RENEWAL, REFURBISHMENT, AND NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	20,000 C
97.02		EAST KAPOLEI NEW HIGH SCHOOL, OAHU			
		PLANS AND DESIGN FOR MASTER PLANNING FOR A NEW HIGH SCHOOL IN EAST KAPOLEI; INCLUDING ALL CAMPUS AND COMMUNITY RELATED IMPROVEMENTS, RENOVATION, RENEWAL, REFURBISHMENT, AND NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	N	355,000 N
97.03		FEASIBILITY STUDY, EAST KAPOLEI NEW HIGH SCHOOL, OAHU			
		PLANS AND DESIGN FOR A FEASIBILITY STUDY TO BUILD A NEW HIGH SCHOOL IN EAST KAPOLEI, OAHU, INCLUDING CONSIDERATION OF LEVERAGING POTENTIAL FEDERAL FUNDING FROM USDA RURAL DEVELOPMENT AND OTHER SOURCES.			
		TOTAL FUNDING	EDN	C	100 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023

EDN600 - CHARTER SCHOOLS

98. KANU O KA AINA NEW CENTURY PUBLIC CHARTER SCHOOL, HAWAII
 PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE COMPLETION OF THE KANU O KA AINA MULTIPURPOSE BUILDING TO INCLUDE A CERTIFIED COMMERCIAL KITCHEN SPACE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.
 TOTAL FUNDING EDN 1,800 C

99. LAUPAHOEHOE COMMUNITY PUBLIC CHARTER SCHOOL, HAWAII
 PLANS, DESIGN, CONSTRUCTION FOR INSTALLATION OF A PHOTOVOLTAIC SYSTEM TO POWER THE CAMPUS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.
 TOTAL FUNDING EDN 580 C

99.01 KUALAPUU ELEMENTARY PUBLIC CHARTER SCHOOL, MOLOKAI
 PLANS, DESIGN, EQUIPMENT AND INSTALLATION FOR PLAY SHADES AND AGE APPROPRIATE PLAY EQUIPMENT, PLAY EQUIPMENT SAFETY SURFACINGS, FENCING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.
 TOTAL FUNDING EDN C 1,150 C

EDN407 - PUBLIC LIBRARIES

100. HAWAII STATE PUBLIC LIBRARY SYSTEM, HEALTH AND SAFETY, STATEWIDE
 CONSTRUCTION AND EQUIPMENT FOR HEALTH, SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS. PROJECTS MAY INCLUDE, BUT NOT LIMITED TO, THE REMOVAL OF HAZARDOUS MATERIALS, RENOVATIONS FOR LIBRARY PATRONS AND EMPLOYEES, ENVIRONMENTAL CONTROLS, FIRE PROTECTION, IMPROVEMENTS TO BUILDINGS AND GROUNDS, AND OTHERS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.
 TOTAL FUNDING AGS 5,000 C 5,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
103.		WAILUKU PUBLIC LIBRARY, MAUI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ASSESSMENT OF WAILUKU PUBLIC LIBRARY AND INFRASTRUCTURE; PROJECT MAY INCLUDE IMPROVEMENTS, REFURBISHMENTS, RENOVATIONS, REPAIRS, AND/OR NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	AGS	200 C	C
104.		KEAAU PUBLIC LIBRARY, HAWAII PLAN, DESIGN, AND CONSTRUCTION FOR A NEW LIBRARY, RELOCATE/CONSOLIDATE THE CURRENT LIBRARIES THAT ARE LOCATED AT KEAAU MIDDLE SCHOOL AND MOUNTAIN VIEW ELEMENTARY SCHOOL. TOTAL FUNDING	AGS	10,000 C	C
105.		MAKAWAO PUBLIC LIBRARY, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO THE LIBRARY BUILDING AND PROPERTY FOR EXPANSION OF LIBRARY SERVICES AND PROGRAMS; PROJECT SHALL INCLUDE PARKING AND PARKING RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	AGS	10,000 C	C
106.01		HAWAII PUBLIC LIBRARIES AND RELATED FACILITIES, STATEWIDE PLAN, DESIGN, AND CONSTRUCTION FOR NETWORKS AND RELATED SUPPORT INFRASTRUCTURE, INCLUDING ELECTRICAL, CONDUITS, POWER DISTRIBUTION AND WIRING AT VARIOUS LIBRARIES STATEWIDE; PROJECT MAY INCLUDE RENOVATION, REFURBISHMENT, IMPROVEMENT, AND/ OR NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	AGS	C	5,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
106.02		PEARL CITY LIBRARY, OAHU			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO REDESIGN AND EXPAND LIBRARY FACILITIES, INCLUDING EXPANDING AREAS FOR LIBRARY PROGRAMS, PARKING LOT IMPROVEMENTS AND EXPANSION, REPAIR AND UPDATE BATHROOMS, REPAIR AND REPLACE EXISTING AIR CONDITIONING SYSTEM, OTHER BUILDING IMPROVEMENTS AND UPDATES TO IMPROVE EFFICIENCY AND SAFETY, AND RELATED EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	AGS	C	28,000 C
106.03		PRINCEVILLE PUBLIC LIBRARY, KAUAI			
		CONSTRUCTION OF HEALTH AND SAFETY IMPROVEMENTS, INCLUDING ROOFING AND DRAINAGE, PARKING LOT REPAVING, OTHER RELATED EXTERIOR IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	AGS	C	2,000 C
106.04		WAIKOLOA LIBRARY, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR A PUBLIC LIBRARY IN WAIKOLOA; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	AGS	C	1,900 C
DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY					
106.05		YCA B1786 & B1787 UPGRADES AND IMPROVEMENTS, OAHU			
		DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO BUILDINGS 1786 AND 1787: WINDOW SYSTEM, PLUMBING, AIR CONDITIONING, EMERGENCY GENERATOR SYSTEM, UTILITY SYSTEM, FIRE ALARMS, AND OTHER SYSTEMS AT THE YOUTH CHALLENGE ACADEMY IN KALAELOA, OAHU.			
		TOTAL FUNDING	DEF	C	450 C
UOH100 - UNIVERSITY OF HAWAII, MANOA					
107.		WAIKIKI AQUARIUM DISCHARGE SYSTEM UPGRADE, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR VARIOUS REPAIRS AND IMPROVEMENTS TO THE WAIKIKI AQUARIUM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	UOH	1,500 C	11,500 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
108.		UH MANOA, MINI MASTER PLAN PHASE 2, OAHU PLANS, DESIGN, CONSTRUCT, AND EQUIPMENT FOR THE MINI MASTER PLAN PHASE 2 BUILDING, FACILITIES/ UTILITIES, NEW AND UPGRADED PEDESTRIAN WALKWAYS AND COURTYARD WHICH INCLUDES INFRASTRUCTURE IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES THAT REPLACES THE OLD SNYDER HALL BUILDING TO BE DEMOLISHED IN 2021.			
		TOTAL FUNDING	UOH	35,000 C	35,000 C
109.		CTAHR, WAIALE'E RESEARCH STATION, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SAFETY AND SECURITY IMPROVEMENTS, DEMOLITION OF EXISTING FACILITIES AND INFRASTRUCTURE, AND ALL OTHER PROJECT RELATED COSTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	UOH	1,600 C	C
110.		LYON ARBORETUM, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RENOVATION, REFURBISHMENT, IMPROVEMENT, AND/OR NEW CONSTRUCTION FOR A SEED BANK FACILITY, OAHU; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS			
		TOTAL FUNDING	UOH	1,200 C	C
UOH210 - UNIVERSITY OF HAWAII, HILO					
111.		HILO, RENEW, IMPROVE, AND MODERNIZE, HAWAII PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE UNIVERSITY OF HAWAII, HILO. PROJECTS TO INCLUDE RENEWAL, IMPROVEMENTS, AND MODERNIZATION OF INTERIOR AND EXTERIOR STRUCTURES, ROOFS, MECHANICAL AND ELECTRICAL SYSTEMS, PEDESTRIAN PATHWAYS, ROADWAYS, GROUNDS, AND OTHER PROJECT COSTS TO UPGRADE EXISTING TEMPORARY AND NEW FACILITIES.			
		TOTAL FUNDING	UOH	1,300 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
113.		MAUNA KEA TELESCOPE REMOVAL, HAWAII			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE REMOVAL OF THE HOKU KEA TELESCOPE OBSERVATORY STRUCTURE, GENERATOR BUILDING AND ASSOCIATED TELECOMMUNICATIONS AND ELECTRICAL INFRASTRUCTURE, SITE RESTORATION AND ALL RELATED PROJECT COSTS.			
		TOTAL FUNDING	UOH	900C	C
UOH700 - UNIVERSITY OF HAWAII, WEST OAHU					
114.		UHWO, RENEW, IMPROVE AND MODERNIZE, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO UNIVERSITY OF HAWAII AT WEST OAHU FACILITIES. PROJECTS TO INCLUDE RENEWAL, IMPROVEMENTS, AND MODERNIZATION OF INTERIOR AND EXTERIOR STRUCTURES, ROOFS, MECHANICAL AND ELECTRICAL SYSTEMS, PEDESTRIAN PATHWAYS, ROADWAYS, GROUNDS, AND OTHER PROJECT COSTS TO UPGRADE EXISTING TEMPORARY AND NEW FACILITIES; PLANNING PROJECTS AND STUDIES; AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	UOH	3,500C	C
UOH800 - UNIVERSITY OF HAWAII, COMMUNITY COLLEGES					
115.		CCS, CAPITAL RENEWAL AND DEFERRED MAINTENANCE, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO UH CCS SYS FACILITIES. PROJECT TO INCLUDE CAPITAL RENEWAL, REDUCTION OF MAINTENANCE BACKLOG, MAJOR AND MINOR RENOVATIONS, MODERNIZATION OF FACILITIES, RE-ROOFING, MECHANICAL AND ELECTRICAL SYSTEMS, RESURFACING, INFRASTRUCTURE, DEMOLITION OF EXISTING FACILITIES, AND OTHER REPAIRS AND PROJECT COSTS TO UPGRADE.			
		TOTAL FUNDING	UOH	25,000C	25,000C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
116.		CCS, MINOR CIP FOR THE COMMUNITY COLLEGES, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR MINOR CAPITAL IMPROVEMENTS PROGRAM PROJECTS FOR CAMPUS FACILITIES WITHIN THE UNIVERSITY OF HAWAII, COMMUNITY COLLEGES SYSTEM. PROJECT MAY INCLUDE RENOVATIONS FOR THE MODERNIZATION OF FACILITIES, ADDITIONS, DEMOLITION OF EXISTING FACILITIES, AND OTHER IMPROVEMENTS AND PROJECT COSTS TO UPGRADE AND IMPROVE FACILITIES OF THE COMMUNITY COLLEGES SYSTEM.		15,000 C	20,000 C
		TOTAL FUNDING	UOH		
117.		HON, TECHNOLOGY RENOVATIONS, PHASE I, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RENOVATION OF BUILDING 8802, 8803, 8805, 8813, 8820 AT HONOLULU COMMUNITY COLLEGE.		15,000 C	C
		TOTAL FUNDING	UOH		
118.		WINDWARD COMMUNITY COLLEGE, OAHU DESIGN AND CONSTRUCTION FOR AN AGRIPHARMATECH BIOPROCESSING FACILITY AT WINDWARD COMMUNITY COLLEGE. PROJECT TO INCLUDE GROUND AND SITE IMPROVEMENTS, NEW MODULAR FACILITY, INFRASTRUCTURE, EQUIPMENT AND APPURTENANCES, AND ALL PROJECT RELATED COSTS.		3,000 C	C
		TOTAL FUNDING	UOH		
119.		RESOURCE AND EDUCATION CENTER, OAHU PROJECT TO INCLUDE ALL ENTITLEMENT COSTS, PLANNING, DESIGN, DEMOLITION OF EXISTING FACILITIES, NEW FACILITY WITH ASSOCIATED PARKING, GROUND AND SITE IMPROVEMENTS, INFRASTRUCTURE, AND ALL RELATED PROJECT COSTS. PROJECT TO INCLUDE SPACES FOR STATE DEPARTMENT OF EDUCATION AND LIBRARIES, AND THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES.		42,500 C	C
		TOTAL FUNDING	UOH		
120.01		CCS, LEEWARD CC FASCIAS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR NEW FASCIA PANELS CAMPUSWIDE AND ALL OTHER PROJECT RELATED COSTS.		C	6,500 C
		TOTAL FUNDING	UOH		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
120.02		UNIVERSITY OF HAWAII MAUI COLLEGE, MAUI - VOCATIONAL TECHNOLOGY CENTER			
		DESIGN AND CONSTRUCTION FOR VOCATIONAL TECHNOLOGY CENTER; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING UOH		C	4,000 C
UOH900 - UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT					
121.		SYSTEM, RENEW, IMPROVE, AND MODERNIZE, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE UNIVERSITY OF HAWAII SYSTEM FACILITIES. PROJECT TO INCLUDE RENEWAL, IMPROVEMENTS AND MODERNIZATION OF INTERIOR AND EXTERIOR STRUCTURES, ROOFS, MECHANICAL AND ELECTRICAL SYSTEMS, PEDESTRIAN PATHWAYS, ROADWAYS, GROUNDS AND OTHER PROJECT COSTS TO UPGRADE EXISTING TEMPORARY, AND NEW FACILITIES.			
		TOTAL FUNDING UOH	51,800 C		50,000 C
122.		MAKAI RESEARCH PIER, OAHU			
		PLANS, DESIGNS, CONSTRUCTION, AND EQUIPMENT FOR THE REPAIR, RENOVATION, REFURBISHMENT, AND/OR NEW CONSTRUCTION OF THE MAKAI RESEARCH PIER AND ALL RELATED STRUCTURES; MAKAI PIER STRUCTURAL REPAIRS AND ALL RELATED WORK; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING UOH	5,550 C		750 C
122.01		CTAHR, WAIAKEA RESEARCH STATION, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION; INCLUDING REPAIRS AND/OR DEMOLITION TO EXISTING STRUCTURES, SHELTERS, TRAILERS, GREENHOUSES, SHEDS, SHOPS, AND VARIOUS OTHER FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND ALL OTHER PROJECT RELATED COSTS.			
		TOTAL FUNDING UOH		C	6,900 C
122.02		RESEARCH AND INNOVATION INFRASTRUCTURE, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RESEARCH AND INNOVATION RELATED INVESTMENTS, STATEWIDE.			
		TOTAL FUNDING UOH		E	1,800 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
122.03		UNIVERSITY OF HAWAII AT MANOA, ATHLETIC DEPARTMENT, OAHU			
		PLANS AND DESIGN FOR MASTER PLAN FOR NEW ATHLETIC AND ACADEMIC FACILITIES FOR LOWER CAMPUS AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	UOH	C	750C

H. CULTURE AND RECREATION

LNR804 - FOREST AND OUTDOOR RECREATION

1.		KAIWA RIDGE TRAIL, OAHU			
		CONSTRUCTION FOR RESTORATION OF HIKING TRAIL AND INSTALLATION OF HARDENED TREAD SURFACE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	900C	C
1.01		MOANALUA GARDENS FOUNDATION, INC., OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR KAMANANUI VALLEY ROAD REPAIRS, REALIGNMENT, RESTORATION, GROUND AND SITE IMPROVEMENTS, AND OTHER WORK.			
		TOTAL FUNDING	LNR	C	350C

LNR806 - PARKS ADMINISTRATION AND OPERATION

2.		STATE PARKS INFRASTRUCTURE AND PARK IMPROVEMENTS, LUMP SUM, STATEWIDE			
		PLANS, DESIGN, AND CONSTRUCTION FOR STATE PARKS INFRASTRUCTURE AND PARK IMPROVEMENTS AND RELATED IMPROVEMENTS, STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	LNR	5,500C	5,500C
			LNR	500N	500N
3.		HULIHEE PALACE SM, HAWAII			
		PLANS, DESIGN AND CONSTRUCTION OF STATE PARKS INFRASTRUCTURE AND PARKS IMPROVEMENTS AND RELATED IMPROVEMENTS, STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID REIMBURSEMENT AND/OR FINANCING.			
		TOTAL FUNDING	LNR	800C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
4.		IOLANI PALACE SM, OAHU PLANS, DESIGN AND CONSTRUCTION OF STATE PARKS INFRASTRUCTURE AND PARKS IMPROVEMENTS AND RELATED IMPROVEMENTS, STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID REIMBURSEMENT AND/OR FINANCING. TOTAL FUNDING LNR		200 C	C
5.		KAENA POINT STATE PARK, OAHU LAND, PLANS, DESIGN, AND CONSTRUCTION FOR PARK IMPROVEMENTS AND RELATED IMPROVEMENTS IN THE KAENA POINT PARK COMPLEX; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING LNR		2,150 C	C
5.01		KAENA POINT STATE PARK, OAHU PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR SECURITY MEASURE; FACILITY STRUCTURE AND STORAGE IMPROVEMENTS; COMFORT STATION; SEWER IMPROVEMENTS ROADWAY AND PARKING IMPROVEMENTS; AND RELATED IMPROVEMENTS. TOTAL FUNDING LNR		C	2,150 C
6.		KOKEE/WAIMEA CANYON SP COMPLEX, KAUAI PLANS, DESIGN AND CONSTRUCTION OF STATE PARKS INFRASTRUCTURE AND PARKS IMPROVEMENTS AND RELATED IMPROVEMENTS, STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID REIMBURSEMENT AND/OR FINANCING. TOTAL FUNDING LNR		1,500 C	C
7.		KOKEE/WAIMEA CANYON STATE PARK COMPLEX, KAUAI PLANS, DESIGN, AND CONSTRUCTION OF PARK FACILITY, LOOKOUT, WATER SYSTEM AND RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING LNR		1,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
8.		PALAAU STATE PARK, MOLOKAI			
		PLANS, DESIGN, AND CONSTRUCTION FOR STATE PARK IMPROVEMENTS AND RELATED IMPROVEMENTS IN PALAAU STATE PARK; PROJECT MAY INCLUDE WATER SYSTEM REPLACEMENT IMPROVEMENTS, COMFORT STATIONS AND SEWER SYSTEM, PAVILION, PICNIC AND FACILITY, BASE YARD AND STORAGE, ROADWAY AND PARKING, TRAIL AND PATHWAY, SECURITY GATE AND BARRIER, KALAUPAPA LOOKOUT, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	1,300 C	C
9.		POLIHALE STATE PARK, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION OF CULTURAL, ENVIRONMENTAL, RECREATIONAL RESOURCE MANAGEMENT, FACILITY AND INFRASTRUCTURE SYSTEMS, ROADWAY AND PARKING IMPROVEMENTS, AND RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	1,350 C	C
10.		NEW PUBLIC PARK TMK: 42003029, 42001055, OAHU			
		LAND, PLANS, DESIGN AND CONSTRUCTION OF A NEW COMMUNITY PARK AND RELATED IMPROVEMENTS.			
		TOTAL FUNDING	LNR	3,800 C	C
11.		WAIANAPANAPA STATE PARK, MAUI			
		CONSTRUCTION FOR STATE PARK IMPROVEMENTS AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	7,760 C	C
11.01		POLIHALE STATE PARK, KAUAI			
		PLANS, DESIGN AND CONSTRUCTION OF PHASE 2 PARK IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL-AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	LNR	C	3,000 C
			LNR	N	350 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
11.02		WAILOA RIVER STATE RECREATION AREA, HAWAII			
		DESIGN AND CONSTRUCTION FOR A PATHWAY LINKING THE KOREAN AND VIETNAM WAR MEMORIALS TOGETHER, AND TO INSTALL FLAG POLES.			
		TOTAL FUNDING LNR		C	350 C
11.03		KEOLONAHIHI STATE HISTORICAL PARK, HAWAII			
		DESIGN AND CONSTRUCTION FOR GROUND AND SITE IMPROVEMENTS AND PROTECTION OF CULTURAL, ARCHEOLOGICAL, AND HISTORIC FEATURES TO COMPLY WITH FEDERAL, STATE, AND COUNTY REGULATIONS.			
		TOTAL FUNDING LNR		C	1,100 C
LNR801 - OCEAN-BASED RECREATION					
12.		KAHANA BOAT RAMP, OAHU			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS FOR BOAT RAMP, LOADING DOCK, AND REVETMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING LNR		650 C	C
13.		KAWAIHAE NORTH SMALL BOAT HARBOR, HAWAII			
		DESIGN FOR IMPROVEMENTS TO HARBOR DOCK, BREAK WALL AND RELATED IMPROVEMENTS.			
		TOTAL FUNDING LNR		1,600 C	8,000 C
14.		ALA WAI SMALL BOAT HARBOR, OAHU			
		DESIGN AND CONSTRUCTION TO REPLACE FLOATING DOCKS; REPLACEMENT OF FINGER PIERS; AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.			
		TOTAL FUNDING LNR		3,040 C	C
15.		HONOKOHAU SMALL BOAT HARBOR, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR SEWER SYSTEM IMPROVEMENTS, OTHER RELATED IMPROVEMENTS, AND ELECTRICAL SYSTEM IMPROVEMENTS; GROUND AND SITE IMPROVEMENT; EQUIPMENT.			
		TOTAL FUNDING LNR		2,250 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
15.01		HEEIA KEA SMALL BOAT HARBOR WASTEWATER SYSTEM IMPROVEMENTS, KANEOHE, OAHU			
		CONSTRUCTION FOR REPLACEMENT OF EXISTING WASTEWATER TREATMENT SYSTEM UNDER NOTICE OF VIOLATION AND ORDER WITH DEPT OF HEALTH WITH NEW PACKAGE WASTEWATER TREATMENT PLANT AND APPURTENANT WORK.			
		TOTAL FUNDING	LNR	C	3,000C
15.02		KEEHI SMALL BOAT HARBOR BOAT RAMP LOADING DOCK REPAIR, OAHU			
		DESIGN AND CONSTRUCTION FOR REPLACEMENT OF DAMAGED WOODEN LOADING DOCK WITH NEW ALUMINUM FRAMED LOADING DOCK.			
		TOTAL FUNDING	LNR	C	650C
15.03		KIKIAOLA SMALL BOAT HARBOR, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION OF A NEW BOAT RAMP			
		TOTAL FUNDING	LNR	C	4,100C
15.04		MAUNALUA BAY, OAHU			
		DESIGN AND CONSTRUCTION FOR DREDGING OF BAY.			
		TOTAL FUNDING	LNR	C	5,000C
15.05		WAILOA SMALL BOAT HARBOR RAMP LOADING DOCKS, HAWAII			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR BOAT RAMP LOADING DOCKS.			
		TOTAL FUNDING	LNR	C	75C

I. PUBLIC SAFETY

PSD900 - GENERAL ADMINISTRATION

1.		PSD MEDIUM SECURITY HOUSING AT HCCC, MCCC, AND OTHER HOUSING IMPROVEMENTS, STATEWIDE			
		DESIGN, CONSTRUCTION, AND EQUIPMENT TO SUPPLEMENT THE HAWAII COMMUNITY CORRECTIONAL CENTER (HCCC), MAUI COMMUNITY CORRECTIONAL CENTER (MCCC), AND OTHER HOUSING RELATED IMPROVEMENTS, STATEWIDE.			
		TOTAL FUNDING	AGS	12,968C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
2.		PSD FACILITY-WIDE ADA UPGRADES, RENOVATION, AND IMPROVEMENTS, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO CORRECT AND ADDRESS CURRENT ADA VIOLATIONS CITED BY THE U.S. DEPT OF JUSTICE, AND ASSOCIATED CODE VIOLATIONS AT PSD FACILITIES STATEWIDE.		7,000 C	7,000 C
		TOTAL FUNDING	AGS		
3.		PSD GENERAL ADMINISTRATION, LUMP SUM CIP, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR URGENT AND IMMEDIATE REPAIRS, REHABILITATION, RENOVATIONS, REPLACEMENT, UPGRADES, IMPROVEMENTS OF BUILDINGS, SITES, INFRASTRUCTURE AND RELATED EQUIPMENT, MECHANICAL AND ELECTRICAL SYSTEMS AND PROCESSES, SECURITY AND OPERATIONS EQUIPMENT, AND CITED CODE VIOLATIONS IMPACTING PSD FACILITIES, STATEWIDE.		20,000 C	20,000 C
		TOTAL FUNDING	AGS		
4.		PSD FAC-WIDE REPAIRS, DEFERRED MAINTENANCE, RELATED SUPPORT AND IMPROVEMENTS, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT AND RELATED SERVICES IN SUPPORT OF AND TO ADDRESS IMMEDIATE REPAIRS, DEFERRED MAINTENANCE, AND IMPROVEMENTS AFFECTING FACILITY AND BUILDING INFRASTRUCTURE, SECURITY, AND OPERATIONS OR SIMILAR, WHILE ALSO ADDRESSING CODE VIOLATIONS AND/OR CITATIONS AFFECTING PSD FACILITIES, STATEWIDE.		3,000 C	3,000 C
		TOTAL FUNDING	PSD		
4.01		PSD SHERIFFS DIVISION RELOCATION - KEAWE STATION TO KALANIMOKU BUILDING, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO RELOCATE THE SHERIFFS DIVISION KEAWE STREET STATION TO THE KALANIMOKU BUILDING, OAHU.		C	6,000 C
		TOTAL FUNDING	AGS		
4.02		OCCC-LAUMAKA WFC INFRASTRUCTURE REPAIRS, RENOVATION, AND IMPROVEMENTS, OAHU PLANS AND DESIGN TO CONDUCT INFRASTRUCTURE REPAIRS, RENOVATION, AND IMPROVEMENTS AT THE OAHU COMMUNITY CORRECTIONAL CENTER (OCCC)-LAUMAKA WORK FURLOUGH CENTER (LWFC), OAHU.		C	2,500 C
		TOTAL FUNDING	AGS		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O	FISCAL M YEAR O
				2021-2022 F	2022-2023 F

DEF110 - AMELIORATION OF PHYSICAL DISASTERS

5.		DISASTER WARNING AND COMMUNICATIONS DEVICES, STATEWIDE				
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INCREMENTAL ADDITION, REPLACEMENT, AND UPGRADE OF STATE CIVIL DEFENSE WARNING AND COMMUNICATIONS EQUIPMENT, STATEWIDE. THIS WILL EXPAND THE COVERAGE AND RELIABILITY OF THE WARNING AND CONTROL SYSTEM, AS WELL AS MODERNIZE AND ALLEVIATE SIREN COVERAGE GAP AREAS.				
		TOTAL FUNDING	AGS	2,500	C	C
6.		RETROFIT PUBLIC BUILDINGS WITH HURRICANE PROTECTIVE MEASURES, STATEWIDE				
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT TO RETROFIT EXISTING BUILDINGS AND/ OR REINFORCE NEW BUILDINGS WITH HURRICANE PROTECTIVE MEASURES TO INCREASE THE NUMBER OF EMERGENCY SHELTERS STATEWIDE.				
		TOTAL FUNDING	AGS	3,000	C	C
7.		BIRKHIRMER EMERGENCY OPERATION CENTER, OAHU				
		PLANS, DESIGN, AND CONSTRUCTION FOR HEALTH AND SAFETY IMPROVEMENTS, RENOVATION, NEW CONSTRUCTION, AND/ OR REFURBISHMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.				
		TOTAL FUNDING	AGS	250	C	C

DEF118 - HAWAII EMERGENCY MANAGEMENT AGENCY

7.01		RETROFIT PUBLIC BUILDINGS WITH HURRICANE PROTECTIVE MEASURES, STATEWIDE				
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT TO RETROFIT EXISTING BUILDINGS AND/ OR REINFORCE NEW BUILDINGS WITH HURRICANE PROTECTIVE MEASURES TO INCREASE THE NUMBER OF EMERGENCY SHELTERS STATEWIDE.				
		TOTAL FUNDING	AGS		C	3,000
			AGS		P	6,000

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
7.02		BIRKHIMER EMERGENCY OPERATIONS CENTER UPGRADES AND IMPROVEMENTS, OAHU			
		PLAN, DESIGN, CONSTRUCTION AND EQUIPMENT FOR HVAC REPLACEMENT, ELECTRICAL AND COMMUNICATION UPGRADES, AND POWER GENERATION AND REDUNDANCY (BACK-UP) SYSTEM AT THE BIRKHIMER EMERGENCY OPERATIONS CENTER.			
		TOTAL FUNDING	DEF	C	5,000 C

K. GOVERNMENT-WIDE SUPPORT

GOV100 - OFFICE OF THE GOVERNOR

1.		PROJECT ADJUSTMENT FUND, STATEWIDE			
		PLANS FOR THE ESTABLISHMENT OF A CONTINGENCY FUND FOR PROJECT ADJUSTMENT PURPOSES SUBJECT TO THE PROVISIONS OF THE APPROPRIATIONS ACT.			
		TOTAL FUNDING	GOV	1 C	1 C

BED144 - STATEWIDE PLANNING AND COORDINATION

2.		STATE TRANSIT-ORIENTED DEVELOPMENT (TOD) PLANNING, STATEWIDE			
		PLANS, FEASIBILITY AND COST STUDIES, AND COORDINATION OF TOD PROJECTS, TOD PUBLIC INFRASTRUCTURE REQUIREMENTS, AND RELATED ENVIRONMENTAL REVIEW DOCUMENTS FOR TOD PROJECTS IN STATE TOD STRATEGIC PLAN, STATEWIDE.			
		TOTAL FUNDING	BED	2,000 C	2,000 C

BUF101 - DEPARTMENTAL ADMINISTRATION AND BUDGET DIVISION

2.01		LUMP SUM CIP BROADBAND, STATEWIDE			
		PLANS, LAND, DESIGN, CONSTRUCTION, AND EQUIPMENT TO CONSTRUCT AND DEPLOY BROADBAND INFRASTRUCTURE PROJECTS IN THE APPROVED GRANT PLAN.			
		TOTAL FUNDING	BUF	V	109,709 V
2.02		LUMP SUM CIP BROADBAND ADMINISTRATIVE COSTS, STATEWIDE			
		PLANS AND DESIGN FOR ADMINISTRATIVE COSTS OF THE CONSTRUCTION AND DEPLOYMENT OF BROADBAND INFRASTRUCTURE PROJECTS IN THE APPROVED GRANT PLAN.			
		TOTAL FUNDING	BUF	V	5,766 V

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
TAX107 - SUPPORTING SERVICES - REVENUE COLLECTION					
3.		KEELIKOLANI BUILDING, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR RENOVATION, IMPROVEMENT, AND/OR NEW CONSTRUCTION FOR THE KEELIKOLANI BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	AGS	500 C	C
AGS131 - ENTERPRISE TECHNOLOGY SERVICES					
4.		LUMP SUM HEALTH AND SAFETY, INFORMATION AND COMMUNICATION SERVICES DIVISION, STATEWIDE PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REPAIRS, MODERNIZATION, AND EXPANSION OF CRITICAL COMMUNICATIONS SYSTEMS, INCLUDING THE STATEWIDE ANUENUE AND HAWAIIAN MICROWAVE SYSTEMS AND LAND MOBILE RADIO, STATEWIDE SHARED BLENDED RADIO SYSTEM, AND NEW RADIO SITES AND TOWERS STATEWIDE.	AGS	4,700 C	1,000 C
5.		STATE FINANCE SYSTEM (HAWAII MODERNIZATION INITIATIVE), STATEWIDE PLANS FOR STATE FINANCE SYSTEM.	AGS	1,000 C	C
AGS111 - ARCHIVES - RECORDS MANAGEMENT					
5.01		STATE ARCHIVES MASTER PLAN, OAHU PLANS FOR THE DEVELOPMENT OF A STATE ARCHIVES MASTER PLAN TO INCLUDE EXPANSION AND CREATION OF NEW COLLECTIONS PROCESSING AND STORAGE, ADMINISTRATIVE, PUBLIC RESEARCH, EXHIBITION, AND COMMUNITY ENGAGEMENT SPACES.	AGS	C	1,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR 2021-2022	FISCAL M YEAR 2022-2023
LNR101 - PUBLIC LANDS MANAGEMENT					
6.		WAIKIKI MASTER PLAN IMPROVEMENTS, OAHU			
		CONSTRUCTION TO CONDUCT VARIOUS IMPROVEMENTS ALONG WAIKIKI BEACH IN THE SHERATON-HALEKULANI, ROYAL HAWAIIAN, AND KUHIO BEACH SECTORS. IMPROVEMENTS TO INCLUDE SAND RESTORATION, REFURBISHMENT OF DERELICT GROINS, AND CONSTRUCTION OF NEW GROINS, WITH OFFSHORE SAND DREDGING, WITH BEACH SAND PLACEMENT.			
		TOTAL FUNDING	LNR	3,150	1,850
			LNR	R	3,000
			LNR	T	3,500
7.		NA WAI EHA LAND ACQUISITION, MAUI			
		LAND ACQUISITION OF 10,000 ACRES IN WEST MAUI TO PROTECT IMPORTANT FORESTED WATERSHED, NATIVE FOREST AND THE WATER RESOURCES THEY PROVIDE; AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	LNR	2,000	B
8.		NA WAI EHA LAND ACQUISITION, MAUI			
		USDOI FISH AND WILDLIFE - LAND ACQUISITION OF 10,000 ACRES IN WEST MAUI TO PROTECT IMPORTANT FORESTED WATERSHED, NATIVE FOREST AND THE WATER RESOURCES THEY PROVIDE; AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	LNR	2,600	N
9.		NA WAI EHA LAND ACQUISITION, MAUI			
		USDA FS - LAND ACQUISITION OF 10,000 ACRES IN WEST MAUI TO PROTECT IMPORTANT FORESTED WATERSHED, NATIVE FOREST AND THE WATER RESOURCES THEY PROVIDE; AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	LNR	3,000	N
10.01		DEMOLITION AND REMOVAL OF EXISTING IMPROVEMENTS, HILO, HAWAII			
		PLANS, DESIGN AND CONSTRUCTION FOR DEMOLITION AND REMOVAL OF EXISTING UNUSABLE IMPROVEMENTS FROM PRIOR LEASE AT TMK (3) 2-1-005:033, 034, 035, 045.			
		TOTAL FUNDING	LNR	B	13,500

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
11.01		HAWAII DISTRICT LAND OFFICE RENOVATION, HAWAII			
		CONSTRUCTION FOR RENOVATION OF AN EXISTING FACILITY TO PROVIDE A LARGER OFFICE SPACE TO SUPPORT LAND DIVISION STAFF ON THE ISLAND OF HAWAII.			
		TOTAL FUNDING	LNR	B	3,500B
11.02		HALULU FISHPOND, HANAIEI, KAUAI			
		LAND ACQUISITION FOR THE ACQUISITION OF HALULU FISHPOND ACCESS, HALELEA, KAUAI TO PROTECT AND PRESERVE LAND AS A RESOURCE TO THE STATE; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI. THE LEGISLATURE FINDS AND DECLARES THAT THE APPROPRIATION IS IN THE PUBLIC INTEREST AND FOR THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE OF THE STATE.			
		TOTAL FUNDING	LNR	B	400B
			LNR	S	850S
AGS221 - PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION					
12.		LUMP SUM MAINTENANCE OF EXISTING FACILITIES, PUBLIC WORKS DIVISION, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE OF PUBLIC FACILITIES AND SITES, STATEWIDE.			
		TOTAL FUNDING	AGS	19,000C	5,125C
13.		LUMP SUM STATE OFFICE BUILDING REMODELING, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR REMODELING AND UPGRADE OF STATE-OWNED OFFICES TO ACCOMMODATE STATE AGENCIES' OPERATIONAL REQUIREMENTS. PROJECT INCLUDES RENOVATION FOR REORGANIZATION, PROGRAM AND STAFFING CHANGES, AND CONSOLIDATION, AS WELL AS IMPROVEMENTS FOR OFFICE LAYOUTS, ENERGY CONSERVATION, LIGHTING, A/C, VENTILATION, PLUMBING, ELECTRICAL, AND DATA/COMMUNICATIONS SYSTEMS.			
		TOTAL FUNDING	AGS	9,800C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
15.01		STATE CAPITOL BUILDING, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR INFORMATION TECHNOLOGY INFRASTRUCTURE AND ALL RELATED IMPROVEMENTS; PROJECT MAY INCLUDE RE-WIRING, WIRE REMOVAL, OR NEW WIRE INSTALLATION/PLACEMENT; RENOVATION, AND NEW CONSTRUCTION; EXPENSES TO IMPROVE TELEWORK CAPABILITIES FOR PUBLIC EMPLOYEES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	AGS	C	1,000 C
15.02		WASHINGTON PLACE, HEALTH AND SAFETY AND QUEEN'S GALLERY RENOVATION, OAHU			
		DESIGN, CONSTRUCTION, AND EQUIPMENT TO ADDRESS IMMEDIATE HEALTH & SAFETY NEEDS AT WASHINGTON PLACE, INCLUDING HAZARDOUS MATERIAL ABATEMENT, BUILDING CODE REQUIREMENTS, AND ADAAG REQUIREMENTS; RENOVATION FOR BUILDING PRESERVATION WITH THE RETENTION OF EXISTING HISTORIC MATERIAL; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY PRIVATE CONTRIBUTIONS.			
		TOTAL FUNDING	AGS	C	2,000 C
			AGS	R	1,000 R
AGS233 - CENTRAL SERVICES - BUILDING REPAIRS AND ALTERATIONS					
16.		LUMP SUM FIRE ALARM SYSTEMS REPLACEMENT AND UPGRADE, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO REPLACE AND UPGRADE FIRE ALARM SYSTEMS TO MEET CODE REQUIREMENTS, STATEWIDE.			
		TOTAL FUNDING	AGS	3,100 C	C
SUB201 - CITY AND COUNTY OF HONOLULU					
17.		DE CORTE NEIGHBORHOOD PARK AND KALIHI DISTRICT PARK, OAHU			
		IMPROVEMENTS TO PARK FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE CITY AND COUNTY OF HONOLULU.			
		TOTAL FUNDING	CCH	800 C	C
			CCH	200 S	S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
18.		WAHIAWA WASTEWATER TREATMENT PLANT, OAHU			
		CONSTRUCTION AND EQUIPMENT FOR SITE IMPROVEMENTS AND INFRASTRUCTURE DEVELOPMENT AT THE WAHIAWA WASTE WATER TREATMENT PLANT.			
		TOTAL FUNDING	CCH	1,500C	C
SUB301 - COUNTY OF HAWAII					
19.		4 MILE CREEK BRIDGE, HAWAII			
		DESIGN AND CONSTRUCTION TO REPLACE THE CURRENT ONE-LANE BRIDGE FOR THE COMMUTERS BETWEEN HILO AND PUNA; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF HAWAII; PROVIDED FURTHER THAT THE COUNTY OF HAWAII SHALL DESIGN AND/OR CONSTRUCT THE BRIDGE AND RELATED WORK.			
		TOTAL FUNDING	COH	12,000C	C
			COH	6,000S	S
19.01		PAPAALOA COMMUNITY CENTER GYM, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR A NEW PAPAALOA GYM; PROVIDED THAT MATCHING FUNDS BE PROVIDED BY THE COUNTY OF HAWAII.			
		TOTAL FUNDING	COH	C	5,000C
			COH	S	5,000S
19.02		CLEAN WATER FOR REEFS PUAKO, HAWAII			
		PLANS AND DESIGN FOR A SEWER SYSTEM FOR A PRIORITY CESSPOOL REPLACEMENT AREA; PROVIDED THAT THE COUNTY OF HAWAII SHALL PROVIDE MATCHING FUNDS EQUALING TWENTY PERCENT OF THE STATE FUNDS APPROPRIATED FOR THE PURPOSE OF THIS PROJECT.			
		TOTAL FUNDING	COH	C	1,500C
			COH	S	300S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2021-2022 F	FISCAL M YEAR O 2022-2023 F
SUB401 - COUNTY OF MAUI					
20.		CENTRAL MAUI WASTE WATER TREATMENT PLANT, MAUI			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A CENTRAL MAUI WASTE WATER TREATMENT PLANT; PLANS MAY INCLUDE IMPROVEMENTS, RENOVATION, REFURBISHMENT, OR NEW CONSTRUCTION; GROUNDS AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF MAUI.			
		TOTAL FUNDING	COM	3,500 C	20,000 C
			COM	3,500 S	20,000 S
20.01		KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT, MAUI			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR KANAHA BEACH PARK GREYWATER REUSE DEMONSTRATION PROJECT; PROJECT TO INCLUDE INSTALLATION, UPDATES, AND IMPROVEMENTS; RESTROOM EXPANSIONS; GROUND AND SITE IMPROVEMENTS; PROVIDED THAT MATCHING FUNDS BE PROVIDED BY THE COUNTY OF MAUI.			
		TOTAL FUNDING	COM	C	1,250 C
			COM	S	1,250 S
SUB501 - COUNTY OF KAUAI					
21.		WAILUA-KAPAA WATER SYSTEM, KAUAI			
		DESIGN AND CONSTRUCTION FOR KAPAA HOMESTEADS 313 FOOT TANKS, 1.0 MG (TWO MG TANKS); GROUND AND SITE IMPROVEMENTS, AND EQUIPMENT AND APPURTENANCES; DRAINAGE AND OTHER RELATED IMPROVEMENTS; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI.			
		TOTAL FUNDING	COK	7,250 C	C
			COK	7,250 S	S
22.		WAILUA-KAPAA WATER SYSTEM, KAUAI			
		DESIGN AND CONSTRUCTION FOR NEW WELL SITE DEVELOPMENT AND CONNECTING PIPELINE INFRASTRUCTURE; GROUND AND SITE IMPROVEMENTS, AND EQUIPMENT AND APPURTENANCES; PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI.			
		TOTAL FUNDING	COK	2,600 C	C
			COK	2,600 S	S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2021-2022	FISCAL YEAR 2022-2023
22.01		HANAPEPE STADIUM IMPROVEMENTS, KAUAI			
		PLANS, DESIGN AND CONSTRUCTION FOR CIVIL, ARCHITECTURAL, AND INFRASTRUCTURE IMPROVEMENTS; PROVIDED THAT MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI.			
		TOTAL FUNDING	COK	C	1,883 C
			COK	S	1,883 S
22.02		VIDINHA STADIUM RENOVATION, KAUAI			
		PLANS, DESIGN AND CONSTRUCTION TO INSTALL TURF, REPLACE TRACK, UPGRADE LIGHTING AND ELECTRICAL; PROVIDED THAT MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI.			
		TOTAL FUNDING	COK	C	6,500 C
			COK	S	6,500 S

SECTION 6. Part V of Act 88, Session Laws of Hawaii 2021, is amended by adding the following new sections:

“SECTION 43.01. Any law to the contrary notwithstanding, the appropriations under Act 40, Session Laws of Hawaii 2019, section 4, as amended by Act 6, Session Laws of Hawaii 2020, section 4, in the amounts indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>A-15.1</u>	<u>\$2,775,000 C</u>
<u>A-18.1</u>	<u>50,000 C</u>
<u>A-18.3</u>	<u>2,500,000 C</u>
<u>A-19.1</u>	<u>50,000,000 C</u>
<u>A-9.1</u>	<u>500,000 C</u>
<u>A-9.1</u>	<u>500,000 R</u>
<u>E-8.1</u>	<u>2,000,000 C</u>
<u>E-8.1</u>	<u>1,000,000 R</u>
<u>F-9.1</u>	<u>9,000,000 C</u>
<u>G-112</u>	<u>1,425,000 C</u>
<u>G-163</u>	<u>2,500,000 C</u>
<u>G-165</u>	<u>5,000,000 C</u>
<u>G-175</u>	<u>270,000 C</u>
<u>G-178</u>	<u>2,350,000 C</u>
<u>G-182</u>	<u>750,000 C</u>
<u>G-188.10</u>	<u>3,000,000 C</u>
<u>G-188.13</u>	<u>3,000,000 C</u>
<u>G-188.16</u>	<u>1,500,000 C</u>
<u>G-188.22</u>	<u>6,000,000 C</u>
<u>G-188.3</u>	<u>1,300,000 C</u>
<u>G-188.40</u>	<u>400,000 C</u>
<u>G-188.48</u>	<u>2,000,000 C</u>
<u>G-188.52</u>	<u>500,000 C</u>
<u>G-188.65</u>	<u>1,250,000 C</u>

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>G-188.67</u>	<u>1,150,000 C</u>
<u>G-188.68</u>	<u>200,000 C</u>
<u>G-188.70</u>	<u>750,000 C</u>
<u>G-188.79</u>	<u>1,700,000 C</u>
<u>G-188.80</u>	<u>2,750,000 C</u>
<u>G-188.84</u>	<u>750,000 C</u>
<u>G-188.85</u>	<u>250,000 C</u>
<u>G-188.88</u>	<u>150,000 C</u>
<u>G-188.9</u>	<u>1,372,493 C</u>
<u>G-188.93</u>	<u>498,000 C</u>
<u>G-209</u>	<u>3,700,000 C</u>
<u>G-72</u>	<u>1,500,000 C</u>
<u>I-8</u>	<u>3,000,000 C</u>
<u>K-15</u>	<u>1,300,000 C</u>
<u>K-15</u>	<u>260,000 S</u>
<u>K-9</u>	<u>1,850,000 C</u>
<u>K-9</u>	<u>3,000,000 R</u>
<u>K-9</u>	<u>4,000,000 T</u>
<u>A-15</u>	<u>15,225,000 C</u>
<u>B-1</u>	<u>311,000 C</u>
<u>F-9</u>	<u>1,000,000 C</u>
<u>G-1</u>	<u>594,000 C</u>
<u>G-101</u>	<u>20,000 C</u>
<u>G-12</u>	<u>300,000 C</u>
<u>G-126</u>	<u>250,000 C</u>
<u>G-136</u>	<u>2,000,000 C</u>
<u>G-137</u>	<u>1,263,000 C</u>
<u>G-144</u>	<u>10,000 C</u>
<u>G-145</u>	<u>40,000 C</u>
<u>G-148</u>	<u>396,000 C</u>
<u>G-158</u>	<u>65,000 C</u>
<u>G-161</u>	<u>10,000 C</u>
<u>G-162</u>	<u>80,000 C</u>
<u>G-166</u>	<u>500,000 C</u>
<u>G-169</u>	<u>300,000 C</u>
<u>G-18</u>	<u>466,000 C</u>
<u>G-182</u>	<u>1,732,500 C</u>
<u>G-199</u>	<u>28,000,000 E</u>
<u>G-20</u>	<u>2,319,000 C</u>
<u>G-206</u>	<u>476,500 C</u>
<u>G-207</u>	<u>4,000,000 D</u>
<u>G-22</u>	<u>875,000 C</u>
<u>G-3</u>	<u>500,000 C</u>
<u>G-33</u>	<u>400,000 C</u>
<u>G-37</u>	<u>200,000 C</u>
<u>G-50</u>	<u>1,350,000 C</u>
<u>G-53</u>	<u>557,000 C</u>
<u>G-58</u>	<u>24,000 C</u>
<u>G-6</u>	<u>250,000 C</u>
<u>G-64</u>	<u>2,960,100 C</u>
<u>G-65</u>	<u>875,000 C</u>
<u>G-66</u>	<u>250,000 C</u>
<u>G-71</u>	<u>50,000 C</u>

<u>Item No.</u>	<u>Amount (MOF)</u>
G-73	75,000 C
G-82	742,500 C
G-84	150,000 C
G-85	150,000 C
G-88	175,000 C
G-89	90,000 C
K-15	200,000 C
K-15	40,000 S”

“SECTION 43.02. Any law to the contrary notwithstanding, the appropriations under Act 49, Session Laws of Hawaii 2017, section 30, as amended by Act 53, Session Laws of Hawaii 2018, section 5, in the amount indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, is hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
I-3	\$13,077,564 C”

“SECTION 43.03. Any law to the contrary notwithstanding, the appropriations under Act 9, Session Laws of Hawaii 2020, section 11, in the amounts indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
G-1	\$1,900,000 C
G-10	1,984,000 C
G-7	990,000 C
H-1	3,800,000 C”

“SECTION 43.04. Any law to the contrary notwithstanding, the appropriations under Act 40, Session Laws of Hawaii 2019, section 4, as amended by Act 6, Session Laws of Hawaii 2020, section 4, as amended by Act 9, Session Laws of Hawaii 2020, section 7, as amended by Act 88, Session Laws of Hawaii 2021, section 35 in the amounts indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
G-188.24	\$2,000,000 C
G-188.4	820,000 C”

“SECTION 43.05. Any law to the contrary notwithstanding, the appropriations under Act 40, Session Laws of Hawaii 2019, section 4, as amended by Act 6, Session Laws of Hawaii 2020, section 4, as amended by Act 88, Session Laws of Hawaii 2021, section 35, in the amounts indicated or balance thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
G-188.30	\$300,000 C
G-188.7	5,830,000 C
G-191.4	1,150,000 C
G-9	600,000 C”

“SECTION 43.06. Notwithstanding any other law to the contrary, if any portion of a specific lapse is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be lapsed to fulfill the objective of such lapse to the extent possible.”

SECTION 7. Act 88, Session Laws of Hawaii 2021, is amended as follows:

1. By adding renumbering and adding a new part to read:

“PART VIII. DEPARTMENT OF EDUCATION FACILITIES
REPAIR & MAINTENANCE

SECTION 91.1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$256,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to the department of education for facilities repair and maintenance—including but not limited to repainting, reroofing, repaving, equipment, appurtenances, ground and site improvements, and other deferred maintenance—which shall be allocated as follows:

<u>AMOUNT</u>	<u>PROJECT</u>
1. <u>\$300,000</u>	<u>ALIOLANI ELEMENTARY SCHOOL, OAHU; CAMPUS-WIDE GENERAL IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
2. <u>\$1,904,000</u>	<u>AUGUST AHRENS ELEMENTARY SCHOOL, OAHU; MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
3. <u>\$5,200,000</u>	<u>BALDWIN HIGH SCHOOL, MAUI; CAMPUS WIDE ELECTRICAL UPGRADE; INSTALLATION OF AIR CONDITIONING, CAMPUS-WIDE; OTHER IMPROVEMENTS; VENTILATION IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
4. <u>\$4,000,000</u>	<u>CASTLE HIGH SCHOOL, OAHU; STADIUM LIGHTS REPLACEMENT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
5. <u>\$230,000</u>	<u>CASTLE HIGH SCHOOL, OAHU; GYM IMPROVEMENTS AND HEAT ABATEMENT; VENTILATION IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
6. <u>\$8,000,000</u>	<u>CENTER FOR WORKFORCE EXCELLENCE; CREATION OF A CENTER FOR WORKFORCE EXCELLENCE, EQUIPMENT, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
7. <u>\$5,250,000</u>	<u>CENTRALIZED KITCHEN INITIATIVE, LEEWARD COAST; CREATION OF A CENTRALIZED KITCHEN FOR NANAKULI, OAHU, EQUIPMENT, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>8. \$774,000</u>	<u>DE SILVA ELEMENTARY SCHOOL, HAWAII; HAZARDOUS MATERIALS REMEDIATION; REPAIR, RENOVATION, OR ALTERATIONS FOR BUILDINGS; COOLING/HEAT ABATEMENT; PLUMBING, RESTROOM SCREENS, AND OTHER RELATED IMPROVEMENTS; GENERAL REPAIRS AND MAINTENANCE; VENTILATION IMPROVEMENTS;</u>
<u>9. \$750,000</u>	<u>ENCHANTED LAKE ELEMENTARY SCHOOL, OAHU; LIBRARY RENOVATIONS INCLUDING FINISHES AND ELECTRICAL; TELECOM IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>10. \$554,000</u>	<u>HAIKU ELEMENTARY SCHOOL, MAUI; HAZARDOUS MATERIALS REMEDIATION, INCLUDING REPAIR, REPLACEMENT, RENOVATION, AND VENTILATION IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>11. \$700,000</u>	<u>HALAU KU MANA PUBLIC CHARTER SCHOOL, OAHU; MISCELLANEOUS REPAIRS AND MAINTENANCE TO INCLUDE BUT NOT LIMITED TO STRUCTURAL REPAIRS, AWNING, AND ROOF REPAIR/REPLACEMENT, AND AIR CONDITIONING REPLACE/REPAIR/REPLACEMENT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>12. \$1,000,000</u>	<u>HAWAII SCHOOL FOR THE DEAF AND BLIND, OAHU; EXTERIOR PAINTING-CAMPUS-WIDE EXTERIOR PAINTING OF THE SCHOOL AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>13. \$525,000</u>	<u>HONOWAI ELEMENTARY SCHOOL, OAHU; ELECTRICAL UPGRADE AND AIR CONDITIONING FOR MULTIPLE PORTABLES; IMPROVEMENTS; EQUIPMENT; VENTILATION IMPROVEMENTS; AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>14. \$200,000</u>	<u>IAO INTERMEDIATE SCHOOL, MAUI; INSTALLATION AND ALL RELATED WORK FOR SECURITY CAMERAS; SITE IMPROVEMENTS; EQUIPMENT;</u>
<u>15. \$500,000</u>	<u>ILIAHI ELEMENTARY SCHOOL, OAHU; BUILDING STRUCTURAL REPAIRS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>16. \$600,000</u>	<u>JARRETT MIDDLE SCHOOL, OAHU; GENERAL BUILDING IMPROVEMENTS INCLUDING EXTERIOR PAINTING AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>17. \$500,000</u>	<u>JEFFERSON ELEMENTARY SCHOOL, OAHU; CAMPUS SITE PERIMETER FENCING IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>18. \$1,120,000</u>	<u>JEFFERSON ELEMENTARY SCHOOL, OAHU; CAMPUS-WIDE TELECOM UPGRADES AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>19. \$100,000</u>	<u>JEFFERSON ELEMENTARY SCHOOL, OAHU; HEAT MITIGATION, VENTILATION IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>20. \$950,000</u>	<u>KAHALA ELEMENTARY SCHOOL, OAHU; PARKING LOT IMPROVEMENTS, DRAINAGE AND OTHER IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>21. \$200,000</u>	<u>KAHALUU ELEMENTARY SCHOOL, OAHU; NEW PLAYGROUND EQUIPMENT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>22. \$1,500,000</u>	<u>KAHUKU HIGH AND INTERMEDIATE SCHOOL, OAHU; CAMPUS IMPROVEMENTS INCLUDING BUT NOT LIMITED TO RE-ROOF, ADA RESTROOMS, PAINTINGS, FANS/VENTILATION, FLAG POLE, FENCING, AND GATES, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>23. \$3,000,000</u>	<u>KAHUKU HIGH AND INTERMEDIATE SCHOOL, OAHU; CAMPUS TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>24. \$2,000,000</u>	<u>KAILUA INTERMEDIATE SCHOOL, OAHU; VENTILATION IMPROVEMENTS AND NECESSARY ELECTRICAL UPGRADES AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>25. \$1,400,000</u>	<u>KAIMUKI HIGH SCHOOL, OAHU; CAMPUS TELECOMMUNICATION AND ELECTRICAL INFRASTRUCTURE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>26. \$2,500,000</u>	<u>KAISER HIGH SCHOOL, OAHU; VENTILATION IMPROVEMENTS INCLUDING BUT NOT LIMITED TO AIR CONDITIONING, HEAT ABATEMENT, ELECTRICAL IMPROVEMENTS, VENTILATION IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>27. \$720,000</u>	<u>KALIHI ELEMENTARY SCHOOL, OAHU; MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO HAZARDOUS MATERIALS REMEDIATION, VENTILATION IMPROVEMENTS, REPAIR OR REPLACEMENT OF WINDOWS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>28. \$620,000</u>	<u>KAMILOIKI ELEMENTARY SCHOOL, OAHU; HEAT ABATEMENT INCLUDING ELECTRICAL UPGRADE AND INSTALLATION OF AC UNITS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>29. \$1,500,000</u>	<u>KE KULA KAIAPUNI O ANUENUE, OAHU; PARKING LOT RESURFACING AND REPAIRS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS</u>
<u>30. \$250,000</u>	<u>KEAAU MIDDLE SCHOOL, HAWAII; INSTALL SPLIT AIR CONDITIONING UNITS IN BUILDING A; VENTILATION IMPROVEMENTS; AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>31. \$500,000</u>	<u>KEALAKEHE ELEMENTARY SCHOOL, HAWAII; CAFETERIA CEILING FANS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS; ELECTRICAL IMPROVEMENTS;</u>
<u>32. \$253,000</u>	<u>KEAUKAHA ELEMENTARY SCHOOL, HAWAII; BUILDING B ELECTRICAL UPGRADE; EXPENSES TO FACILITATE DISTANCE LEARNING INCLUDING TECHNOLOGICAL IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>33. \$6,000,000</u>	<u>KEKAHA AGRICULTURE INNOVATION CENTER, LAND ACQUISITION, BUILDING ACQUISITION, FACILITY ACQUISITION AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION;</u>
<u>34. \$300,000</u>	<u>KUHIO ELEMENTARY SCHOOL, OAHU REPAIR AND RESURFACE PARKING LOTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>35. \$700,000</u>	<u>LANAKILA ELEMENTARY SCHOOL, OAHU; IMPROVE STUDENT PICKUP AND REPAVE PARKING LOT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>36. \$2,500,000</u>	<u>LEILEHUA HIGH SCHOOL, OAHU; CAMPUS FIRE ALARM UPGRADE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>37. \$3,100,000</u>	<u>LEILEHUA HIGH SCHOOL, OAHU; ATHLETIC FACILITIES RENOVATION AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>38. \$200,000</u>	<u>LINAPUNI ELEMENTARY SCHOOL, OAHU; NEW PLAYGROUND STRUCTURE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>39. \$150,000</u>	<u>LUNALILO ELEMENTARY SCHOOL, OAHU; COVERED MULTIPURPOSE SPACE, CAMPUS SECURITY IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>40. \$885,000</u>	<u>MAILI ELEMENTARY SCHOOL, OAHU; MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE - HAZARDOUS MATERIALS REMEDIATION; HEAT ABATEMENT OR COOLING PROJECTS; VENTILATION IMPROVEMENTS; AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>41. \$2,500,000</u>	<u>MAUI HIGH SCHOOL, MAUI; SERVICE ROAD REPAVING AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>42. \$3,300,000</u>	<u>MAUI HIGH SCHOOL, OAHU; WATER SYSTEM-WATER SYSTEM/PUMP, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>43. \$1,500,000</u>	<u>MCKINLEY HIGH SCHOOL, OAHU; ADA COMPLIANCE INCLUDING ARCHITECTURAL BARRIER REMOVAL AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>44. \$9,300,000</u>	<u>MILILANI HIGH SCHOOL, OAHU; CTE FACILITY - EQUIPMENT FOR CAREER AND TECHNICAL EDUCATION FACILITY FOR MILILANI HIGH SCHOOL AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>45. \$200,000</u>	<u>MILILANI IKE ELEMENTARY SCHOOL, OAHU; NEW PLAYGROUND AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>46. \$3,000,000</u>	<u>MOANALUA HIGH SCHOOL, OAHU' CAMPUS TELECOMMUNICATION INFRASTRUCTURE IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
47. <u>\$2,200,000</u>	<u>MOANALUA HIGH SCHOOL, OAHU; SOFTBALL AND BASEBALL FIELD IMPROVEMENTS, INCLUDING GENDER EQUITY IMPROVEMENTS FOR SOFTBALL AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SIT²IMPROVEMENTS;</u>
48. <u>\$800,000</u>	<u>MOANALUA MIDDLE SCHOOL, OAHU; CAFETERIA WINDOW REPLACEMENT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
49. <u>\$450,000</u>	<u>MOANALUA MIDDLE SCHOOL, OAHU; CAMPUS FIRE ALARM UPGRADE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
50. <u>\$1,230,000</u>	<u>MOUNTAIN VIEW ELEMENTARY SCHOOL, HAWAII; MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE INCLUDING COOLING IMPROVEMENTS, HEAT ABATEMENT, BUILDING IMPROVEMENTS, AND/OR REPLACEMENTS, COMPLIANCE IMPROVEMENTS, WALKWAY IMPROVEMENTS OR REPLACEMENTS, VENTILATIONS IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
51. <u>\$237,000</u>	<u>NANAKULI ELEMENTARY SCHOOL, OAHU; MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE - HAZARDOUS MATERIAL REMEDIATION, REPAIR/RENOVATION OF RESTROOMS, ELECTRICAL UPGRADES, REFURBISHMENT, OR REPLACEMENT, VENTILATION IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
52. <u>\$ 2,500,000</u>	<u>NOELANI ELEMENTARY SCHOOL, OAHU; ELECTRICAL SYSTEM IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
53. <u>\$1,100,000</u>	<u>NUUANU ELEMENTARY SCHOOL, OAHU; REPAINTING -EQUIPMENT TO REPAINT THE INTERIOR AND EXTERIOR OF ALL CLASSROOMS, OFFICES, CAFETERIAS, AND BUILDINGS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>54. \$3,500,000</u>	<u>PAHOA HIGH & INTERMEDIATE SCHOOL, HAWAII; SCIENCE FACILITIES UPGRADES AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>55. \$500,000</u>	<u>PALOLO ELEMENTARY SCHOOL, OAHU; COVERED PLAYCOURT RESURFACING AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>56. \$2,500,000</u>	<u>POMAIKAI ELEMENTARY SCHOOL, MAUI; AC SYSTEM IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>57. \$2,000,000</u>	<u>SALT LAKE ELEMENTARY, OAHU; ELECTRICAL UPGRADE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>58. \$15,000,000</u>	<u>SCHOOL CAFETERIA AND KITCHEN UPGRADES IN RURAL AND ISOLATED REGIONS, LANAI/MOLOKAI AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS.</u>
<u>59. \$300,000</u>	<u>STEVENSON MIDDLE SCHOOL, OAHU; GENERAL SCHOOL IMPROVEMENTS' AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>60. \$200,000</u>	<u>WAIAHOLE ELEMENTARY SCHOOL, OAHU; NEW PLAYGROUND EQUIPMENT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>61. \$1,404,000</u>	<u>WAIALUA HIGH AND INTERMEDIATE SCHOOL, OAHU; TRACK & RESTROOMS & FENCES - INCLUDING EQUIPMENT FOR NEW RUBBER TRACK, RESTROOMS, AND FENCES, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>62. \$2,000,000</u>	<u>WAIANAE HIGH SCHOOL, OAHU; MARINE SCIENCE LEARNING CENTER - INCLUDING EQUIPMENT FOR MARINE SCIENCE LEARNING CENTER EXPANSION AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>63. \$250,000</u>	<u>WAIHEE ELEMENTARY SCHOOL, MAUI; COVERED WALKWAYS & DRAINAGE IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>64. \$2,000,000</u>	<u>WAILUKU ELEMENTARY SCHOOL, MAUI; INSTALLATION OF AIR CONDITIONING SYSTEMS CAMPUS-WIDE, INCLUDING ELECTRICAL SYSTEM UPGRADES, VENTILATION IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>65. \$2,850,000</u>	<u>WAILUKU ELEMENTARY SCHOOL, MAUI; ELECTRICAL UPGRADE AND RELATED IMPROVEMENTS INCLUDING ENERGY CONSERVATION, LIGHTING, A/C VENTILATION, ELECTRICAL AND UTILITY INFRASTRUCTURE, AND OTHER SYSTEMS, VENTILATION IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>66. \$2,000,000</u>	<u>WAIMALU ELEMENTARY SCHOOL, OAHU; CAMPUS-WIDE HEAT ABATEMENT AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>67. \$3,000,000</u>	<u>WAIMEA MIDDLE PUBLIC CONVERSION CHARTER SCHOOL, HAWAII; ADA COMPLIANCE INCLUDING ARCHITECTURAL BARRIER REMOVAL AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>68. \$130,000</u>	<u>WAIPAHU ELEMENTARY SCHOOL, OAHU; AIR CONDITIONING FOR CLASSROOMS; VENTILATION IMPROVEMENTS; AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>69. \$2,200,000</u>	<u>WASHINGTON MIDDLE SCHOOL, OAHU; CAMPUS-WIDE TELECOM UPGRADE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>70. \$500,000</u>	<u>WASHINGTON MIDDLE SCHOOL, OAHU; MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE - INCLUDING HAZARDOUS MATERIALS REMEDIATION, HEAT ABATEMENT OR COOLING PROJECTS, VENTILATION IMPROVEMENTS, AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS;</u>
<u>71. \$125,914,000</u>	<u>REPAIR AND MAINTENANCE LUMP SUM, STATEWIDE; IMPROVE, RE-ROOF, REPAINT, REFURBISH, REPLACE, REMEDIATE, NEW WORK, RENOVATE AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION AT SCHOOL STATEWIDE; AND</u>

provided that, any provision of this Act to the contrary notwithstanding, the governor is authorized to transfer savings or unrequired balances as may be available from the appropriated funds of any project in this section to supplement the appropriation for any other purpose in this section; provided further that the moneys provided in this part shall not be counted toward charter schools per pupil funding; provided that any funds not expended or encumbered for this purpose shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that any money that remain unencumbered on June 30, 2024, shall lapse on that date.”

2. By renumbering part VIII to read as follows:

“~~[PART VIII]~~ PART IX. MISCELLANEOUS AND EFFECTIVE DATE”

SECTION 8. Part VII of Act 88, Session Laws of Hawaii 2021, is amended as follows:

1. By amending section 61 to read:

~~“SECTION 61. [Any provision of this Act to the contrary notwithstanding, the governor is authorized to transfer savings or unrequired balances as may be available from the appropriated funds of any program in this Act to supplement the appropriation for any other program in this Act to cope with the effects of natural disasters or other unforeseen emergencies; provided that the effects of such natural disasters or emergencies create an urgent need to pursue a course of action which is in the best interest of the State; provided further that the use of such funds does not conflict with general law; provided further that no funds shall be expended without a formal declaration of a natural disaster or emergency by the governor; provided further that this authority shall not extend beyond July 1 of the immediately succeeding fiscal year; provided further that any funds unencumbered or unexpended as of July 1 of the immediately succeeding fiscal year shall lapse as of that date; and provided further that the governor shall notify the legislature within five days of each use of this authority and submit a report to the legislature of all uses of this authority for the previous fiscal year no later than September 1 of each year.] Repealed.”~~

2. By amending section 65 to read:

~~“SECTION 65. Any provision of this Act to the contrary notwithstanding, the federal fund or other federal fund appropriations made for operating costs authorized under this Act [for fiscal year 2021–2022] shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all~~

federal fund or other federal fund appropriations made to be expended in fiscal year 2021-2022 [~~which~~] that are unencumbered as of June 30, [2023] 2024, shall lapse as of that date; ~~and~~ and in fiscal year 2022-2023 that are unencumbered as of June 30, 2025, shall lapse as of that date; provided further that the governor shall notify the legislature within five days of each use of this authority and submit a report to the legislature of all uses of this authority for the previous fiscal year no later than September 1 of each year.”

3. By amending section 67 to read:

“SECTION 67. Any provision of this Act to the contrary notwithstanding, [~~where federal funding becomes available after the legislature adjourns sine die,~~] the governor may approve the expenditure of federal funds that are in excess of levels authorized by the legislature; [~~provided that the approval of excess funding shall not extend beyond July 1 of the immediately succeeding fiscal year unless appropriated by the legislature;~~] provided [~~further~~] that the governor may allow for an increase in the appropriate federal fund authorization ceiling for the program to accommodate the expenditure of the funds; [~~and~~] provided further that the governor shall notify the legislature within ten days of each use of this authority and submit a report to the legislature of all uses of this authority for the previous fiscal year no later than September 1 of each year.”

4. By amending section 68 to read:

“SECTION 68. Any provision of this Act to the contrary notwithstanding, the governor may approve the extension of the lapse dates for appropriated federal funds and appropriations of other means of financing, except general funds, deemed necessary to qualify for federal aid financing and/or federal reimbursement that are appropriated in this Act [~~and~~] or authorized by the governor pursuant to section 67 of this Act as deemed necessary to meet the intent of the federal grant awards; [~~provided that all federal fund appropriations and appropriations of other means of financing, made to be expended in fiscal year 2021-2022 which are unencumbered as of June 30, 2023 shall lapse as of that date; provided further that all federal fund appropriations and appropriations of other means of financing, made to be expended in fiscal year 2022-2023 which are unencumbered as of June 30, 2024 shall lapse as of that date; and~~] provided [~~further~~] that the governor shall notify the legislature within five days of each use of this authority and submit a report to the legislature of all uses of this authority for the previous fiscal year no later than September 1 of each year.”

5. By amending section 72 to read:

“SECTION 72. [~~Unless otherwise provided in this Act, the governor is authorized to transfer operating funds between appropriations within the same fund, within an expending agency, for operating purposes; provided that the governor shall submit a report to the legislature within five days of each use of this authority; provided further that the report shall include the date of transfer, the amount of the transfer, the program ID from which funds were transferred, the program ID to which funds were transferred, the impact to the program ID funds are transferred from, and a detailed explanation of the public purposes served by the transfer of resources; and provided further that the governor shall submit to the legislature a summary report containing the aforementioned information for each use of this authority for the previous twelve month period from December 1 to November 30 no later than thirty days prior to the convening of the regular sessions of 2022 and 2023.] Repealed.”~~

6. By amending section 87 to read:

“SECTION 87. [~~Notwithstanding any provision in part III of this Act, the governor is authorized to transfer savings or unrequired balances as may be available of general funds from any program in this Act to supplement the department of land and natural resources’ fire fighter’s contingency fund; provided~~

further that these funds shall be used to prevent, control, and extinguish wildland fires within forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves, and to fulfill mutual aid agreements in cooperation with fire control agencies of the counties and federal government.] Repealed.”

SECTION 9. With the approval of the governor, designated expending agencies for capital improvement projects to be funded by operating funds authorized by this Act may delegate to other state or county agencies the implementation of projects when it is determined advantageous to do so by both the original expending agency and the agency to which expending authority is to be delegated.

SECTION 10. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, then the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible.

SECTION 11. In the event manifest clerical, typographical or other mechanical errors are found in this Act, the governor is hereby authorized to correct such errors.

SECTION 12. Nothing in this Act shall affect the validity or continuing effectiveness of any provisions of Act 88, Session Laws of Hawaii 2021, not repealed or modified by this Act.

SECTION 13. Material to be repealed is bracketed and stricken. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the bracketed material or the underscoring.

SECTION 14. This Act shall take effect upon its approval.

(Approved July 7, 2022.)

Notes

1. Prior to amendment “,” appeared here.
2. So in original.
3. Item vetoed, replaced, and initialed “DYI”.
4. Period should be underscored.
5. “of” should not be underscored.
6. “;” should not be underscored.

ACT 249

S.B. NO. 1107

A Bill for an Act Relating to the Hawaii Emergency Management Agency.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 127A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§127A- **Hazard mitigation special fund.** (a) There is established in the state treasury the hazard mitigation special fund, into which shall be deposited:

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- (1) All revenues from any recovery or reimbursement pursuant to section 127A-18;
- (2) Appropriations made by the legislature for deposit into the fund;
- (3) All contributions from public or private partners; and
- (4) All interest earned on or accrued to moneys deposited in the special fund.

(b) Moneys in the hazard mitigation special fund shall be used for personnel costs and operating and administrative costs deemed necessary by the agency to administer section 127A-18.”

SECTION 2. Section 127A-18, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Even in the absence of an emergency or disaster, the governor may authorize designated state employees, agents, contractors, or representatives to enter private property at reasonable times to mitigate situations deemed by the governor to be hazardous to the health and safety of the public; provided that this section shall be applicable only to the following actions:

- (1) Cutting, trimming, or removing dangerous trees or branches that pose a hazard to other properties;
- (2) Stabilizing or removing unstable rock and soil hazards; [øf]
- (3) Cleaning streams and waterways to mitigate or prevent flooding; or [øther]
- (4) Additional natural hazards;

provided further that at least ten days’ written notice shall be provided to the landowner and to the occupier of the private property of the governor’s intention to authorize designated state employees, agents, contractors, or representatives to enter the property to mitigate the hazardous situation; provided further that the landowner or occupier shall be given a reasonable opportunity to mitigate the hazardous situation without assistance of the State before designated state employees, agents, contractors, or representatives may enter the property.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the hazard mitigation special fund.

SECTION 4. There is appropriated out of the hazard mitigation special fund the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for personnel costs and operating and administrative costs to administer section 127A-18, Hawaii Revised Statutes.

The sum appropriated shall be expended by the Hawaii emergency management agency for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 250

S.B. NO. 1137

A Bill for an Act Relating to the Spouse and Child Abuse Special Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Congress passed the Family First Prevention Services Act (Family First) as part of the Bipartisan Budget Act of 2018, Public Law 115-123. Family First changes the way states may spend and claim funds pursuant to title IV-E of the Social Security Act (title IV-E funds). Previously, title IV-E funds could only be used for foster care maintenance, adoption assistance, kinship guardianship assistance, and related training and administrative expenses. Family First provides reimbursement of title IV-E funds for child abuse and prevention services. Hawaii will soon submit its Family First Hawaii Plan for federal review, and upon approval, it will have the option to use state and title IV-E funds for prevention services that would allow children who have been abused or neglected or are at risk of being abused or neglected to remain with their parents or relatives.

The legislature further finds that section 346-7.5, Hawaii Revised Statutes, currently allows not more than \$3,000,000 in unencumbered and unexpended moneys to be retained in the spouse and child abuse special fund. To maximize Hawaii's ability to draw additional federal fund reimbursement available through Family First, the department of human services needs a significant source of sustainable non-federal revenue to support spouse and child abuse and neglect prevention and intervention services, including personnel costs. With the decrease in general fund revenues due to disruptions caused by the coronavirus disease 2019 (COVID-19), it is necessary to increase the amount of unencumbered and unexpended moneys that the spouse and child abuse special fund can retain.

The legislature also finds that the department of human services is seeking to retain unencumbered and unexpended moneys in the spouse and child abuse special fund of up to \$5,000,000, including Family First federal reimbursements and title IV-E federal reimbursements received in the fiscal year following the year in which the funds were expended, to secure a stable source of funding for spouse abuse, child abuse and neglect prevention, intervention, and other services.

The purpose of this Act is to allow the spouse and child abuse special fund to retain up to \$5,000,000 unencumbered and unexpended moneys.

SECTION 2. Section 346-7.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) All unencumbered and unexpended moneys in excess of [~~\$3,000,000~~] \$5,000,000 in the spouse and child abuse special fund shall lapse to the credit of the general fund. Upon dissolution of the spouse and child abuse special fund, any unencumbered moneys in the fund shall lapse to the general fund.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval, and shall be repealed on June 30, 2027.

(Approved July 7, 2022.)

A Bill for an Act Relating to the Public Housing Authority.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 356D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§356D- Ceded lands; vacancy; development. (a) No housing projects developed or constructed pursuant to this part shall be developed or constructed on ceded land that is vacant on or after January 1, 2022.

(b) For the purposes of this section, “housing project” shall have the same meaning as that term is defined in section 356D-11.”

SECTION 2. Section 356D-1, Hawaii Revised Statutes, is amended by amending the definition of “public housing project”, “housing project”, or “complex” to read as follows:

““Public housing project”~~[-“housing project”-]~~ or “complex” means a housing project directly controlled, owned, developed, or managed by the authority pursuant to any federally assisted housing as defined in title 24 Code of Federal Regulations section 5.100, but does not include state low-income housing projects as defined in section 356D-51.”

SECTION 3. Section 356D-11, Hawaii Revised Statutes, is amended to read as follows:

“§356D-11 Development of property. (a) The authority, in its own behalf or on behalf of any government, may:

- (1) Clear, improve, and rehabilitate property; and
- (2) Plan, develop, construct, and finance ~~[public]~~ housing projects.

(b) The authority may develop public land in an agricultural district subject to the prior approval of the land use commission when developing lands greater than five acres in size. The authority shall not develop state monuments, historical sites, or parks. When the authority proposes to develop public land, it shall file with the department of land and natural resources a petition setting forth ~~[such]~~ that purpose. The petition shall be conclusive proof that the intended use is a public use superior to that to which the land had been appropriated.

(c) The authority may develop or assist in the development of federal lands with the approval of appropriate federal authorities.

(d) The authority shall not develop any public land where the development may endanger the receipt of any federal grant, impair the eligibility of any government agency for a federal grant, prevent the participation of the federal government in any government program, or impair any covenant between the government and the holder of any bond issued by the government.

(e) The authority may contract or sponsor with any county, housing authority, or person, subject to the availability of funds, ~~[an experimental or demonstration]~~ housing ~~[project]~~ projects designed to meet the needs of elders, disabled, displaced or homeless persons, low- and moderate-income persons, government employees, teachers, or university and college students and faculty.

(f) The authority may enter into contracts with eligible developers to develop ~~[public]~~ housing projects in exchange for mixed use development rights. Eligibility of a developer for an exchange pursuant to this subsection shall be determined pursuant to rules adopted by the authority in accordance with chapter 91.

As used in this subsection, “mixed use development rights” means the right to develop a portion of a ~~[public]~~ housing project for commercial use.

(g) The authority may develop, with an eligible developer, or may assist under a government assistance program in the development of, [public] housing projects. The land planning activities of the authority shall be coordinated with the county planning departments and the county land use plans, policies, and ordinances.

Any person, if qualified, may act simultaneously as developer and contractor.

In selecting eligible developers or in contracting any services or materials for the purposes of this subsection, the authority shall be subject to all federal procurement laws and regulations.

For purposes of this subsection, “government assistance program” means a [public] housing program qualified by the authority and administered or operated by the authority or the United States or any of their political subdivisions, agencies, or instrumentalities, corporate or otherwise.

(h) In connection with the development of any [public] housing dwelling units under this chapter, the authority may also develop commercial properties and industrial properties and sell or lease other properties if it determines that the uses will be an integral part of the [public] housing development or a benefit to the community in which the properties are situated. The authority may designate any portions of the [public] housing development for commercial, industrial, or other use and shall have all the powers granted under this chapter with respect thereto. The authority may use any funding authorized under this chapter to implement this subsection.

The net proceeds of all sales or leases, less costs to the authority, shall be deposited in the public housing special fund established by section 356D-28.

(i) For purposes of this section, “housing” or “housing project” means any home, house, residence, building, apartment, living quarters, abode, domicile, or dwelling unit that is designed principally for the purposes of sheltering people.”

SECTION 4. Section 356D-12, Hawaii Revised Statutes, is amended to read as follows:

“~~§356D-12~~ Development of property; additional powers. (a) Notwithstanding any other law to the contrary, whenever the bids submitted for the development or rehabilitation of any [public] housing project authorized pursuant to this chapter exceed the amount of funds available for that project, the authority, with the approval of the governor, may disregard the bids and enter into an agreement to carry out the project, undertake the project, or participate in the project under the agreement; provided that:

- (1) The total cost of the agreement and the authority’s participation, if any, shall not exceed the amount of funds available for the project; and
- (2) If the agreement is with a nonbidder, the scope of the project under agreement shall remain the same as that for which bids were originally requested.

(b) For purposes of this section, “housing project” shall have the same meaning as that term is defined in section 356D-11.”

SECTION 5. Section 356D-12.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§356D-12.5~~ Development of property; partnership or development agreement. (a) Any [public] housing project may be developed under sections 356D-11 and 356D-12 by the authority in partnership or under a development agreement with a private party; provided that a written partnership or develop-

ment agreement is executed by the authority. At a minimum, the partnership or development agreement shall provide for:

- (1) A determination by the authority that the partnership or development agreement is for a public purpose; and
- (2) Final approval by the authority of the plans and specifications for the [public] housing project.

(b) For the development of [public] housing projects pursuant to subsection (a), except as provided by federal law or regulation, the authority shall not be subject to chapters 103 and 103D or any and all other requirements of law for competitive bidding for partnership or development agreements, construction contracts, or other contracts; provided that the authority shall develop internal policies and procedures for the procurement of goods, services, and construction, consistent with the goals of public accountability and public procurement practices.

(c) The authority shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, on the status of all [public] housing projects being developed using partnership or development agreements pursuant to subsection (a).

(d) The authority may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(e) For the purposes of this section, "housing project" shall have the same meaning as that term is defined in section 356D-11."

SECTION 6. Section 356D-71, Hawaii Revised Statutes, is amended to read as follows:

"§356D-71 Resident selection; dwelling units; rentals. In the administration of elder or elderly housing, the authority shall observe the following with regard to resident selection, dwelling units, and rentals:

- (1) Except as provided in this section, the authority shall accept elder or elderly households as residents in the housing projects;
- (2) It may accept as residents in any dwelling unit one or more persons, related or unrelated by blood or marriage. It may also accept as a resident in any dwelling unit or in any housing project, in the case of illness or other disability of an elder who is a resident in the dwelling unit or in the housing project, a person designated by the elder as the elder's live-in aide whose qualifications as a live-in aide are verified by the authority, although the person is not an elder; provided that the person shall cease to be a resident therein upon the recovery of, or removal from the housing project of, the elder;
- (3) It may rent or lease to an elder a dwelling unit consisting of any number of rooms as the authority deems necessary or advisable to provide safe and sanitary accommodations to the proposed resident or residents without overcrowding; and
- (4) Notwithstanding that the elder has no written rental agreement or that the agreement has expired, during hospitalization of the elder due to illness or other disability so long as the elder continues to tender the usual rent to the authority or proceeds to tender receipts for rent lawfully withheld, no action or proceeding to recover possession of the dwelling unit may be maintained against the elder, nor shall the authority otherwise cause the elder to quit the dwelling unit involuntarily, demand an increase in rent from the elder, or decrease the services to which the elder has been entitled."

SECTION 7. Section 356D-102, Hawaii Revised Statutes, is amended to read as follows:

“~~§356D-102~~ Facilities and services by counties to authority and tenants. Each county within which the authority may own, operate, or administer any public housing project or complex and to which, or for whose benefit, the authority or its predecessors in interest has made (by payment to the county) or may hereafter make, gifts or donations including any payment in lieu of taxes, upon request of the authority, shall provide and furnish to the authority in regard to every public housing project or complex, and to the tenants and other occupants of the public housing project, free of charge and without condition or other requirement, all the facilities, services, and privileges as it provides or furnishes, with or without charge or other consideration, to any person or persons. The facilities and services may include police protection, fire protection, street lighting, paving maintenance, traffic control, garbage or trash collection and disposal, use of streets or highways, use of county incinerators or garbage dumps, storm drainage, and sewage disposal. In addition, each county, upon request of the authority and free of charge and without condition or other requirement, shall open or close, but not construct or reconstruct, streets, roads, highways, alleys, or other facilities within any public housing project or complex within the county. Nothing in this section shall be construed to restrict or limit the power of the authority to agree to pay, or to pay, for any and all of the facilities, services, and privileges, if in its discretion it deems the payment advisable.”

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 9. This Act shall take effect upon its approval.

(Approved July 7, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 252

S.B. NO. 2370

A Bill for an Act Relating to Homelessness.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that homelessness in Hawaii is a long-term problem. The legislature acknowledges that homelessness requires greater collaboration and coordination among diverse government entities, businesses, nonprofit organizations, and faith-based organizations. In pursuit of this goal, the legislature enacted Act 105, Session Laws of Hawaii 2012 (Act 105). Act 105, in part, formally established the Hawaii interagency council on homelessness, which had been temporarily created through Executive Order No. 11-21. Act 105 allowed the council to continue identifying critical strategic goals and initiatives that would mitigate homelessness while ensuring that persons experiencing homelessness could obtain permanent housing and become reintegrated into the community. As one of its statutory duties, on September 10, 2012, the council adopted a unified statewide ten-year plan. At that time, the point-in-time count, or the annual one-day unduplicated count of sheltered and unsheltered individu-

als and families experiencing homelessness, totaled 7,921 statewide. Eight years later, in 2020, the point-in-time count totaled 6,458.

While the Hawaii interagency council on homelessness has a ten-year plan, the legislature further finds that the State lacks a long-term commitment to prevent, reduce, and end homelessness. The legislature also finds that various state agencies and programs that address homelessness have been built up on a piecemeal basis and have approached homelessness in a similar manner. There is no central agency tasked with reducing and preventing homelessness through the coordination of effort between state and local government agencies and private entities.

The legislature recognizes that year-to-year funding, rather than consistent funding in the base budget, creates uncertainty for the staff of a program. For example, in 2019, the legislature enacted Act 81, Session Laws of Hawaii 2019, which appointed the governor's coordinator on homelessness to administer and enforce the duties and responsibilities of the council. The coordinator is currently funded as a special project under the department of human services, while the coordinator's full-time staff of four are not permanent employees. In addition, year-to-year funding among agencies and providers for homeless services threatens already potentially sporadic and fragmented services, instead of providing consistent support that will help permanently house persons experiencing homelessness in the State.

Accordingly, the purpose of this Act is to:

- (1) Establish the office on homelessness and housing solutions;
- (2) Appropriate funds for the administration of the office on homelessness and housing solutions; and
- (3) Establish five full-time equivalent (5.0 FTE) permanent positions to carry out the objectives of the office on homelessness and housing solutions.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new subpart to part XVIII to be appropriately designated and to read as follows:

“ . STATEWIDE OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS

§346-A Definitions. As used in this subpart, unless the context clearly indicates otherwise:

“Coordinator” means the governor's coordinator on homelessness as provided in section 346-381.5.

“Office” means the statewide office on homelessness and housing solutions.

§346-B Statewide office on homelessness and housing solutions; establishment. There is established within the department of human services, for administrative purposes only, the statewide office on homelessness and housing solutions that shall:

- (1) Work with state, county, and community agencies to develop solutions to prevent and end homelessness in the State through transitional and permanent housing and supportive or assisted services, or both; and
- (2) Develop and test innovative solutions to prevent and end homelessness in the State.

§346-C Administration. (a) The office shall be headed by the governor's coordinator on homelessness, appointed pursuant to section 346-381.5, for the proper administration and enforcement of this subpart.

(b) The coordinator shall report directly to the governor and appoint staff as may be necessary.

(c) The employees of the office shall be appointed without regard to chapter 76.

§346-D Duties and responsibilities. The office shall:

- (1) Identify and address gaps in the homeless service system by:
 - (A) Developing a standard strategy for coordinated entry, needs assessment, and allocation of services and housing types to create pathways to permanent assisted and independent housing;
 - (B) Working with state departments and agencies to develop and maintain multi-year strategic and tactical plans and road maps as a part of the Hawaii interagency council on homelessness' unified ten-year statewide plan;
 - (C) Coordinating matters relating to homelessness and affordable housing between state and county agencies and private entities; and
 - (D) Developing and testing innovative solutions to prevent and end homelessness through collaboration with appropriate agencies;
- (2) Provide administrative support for the Hawaii interagency council on homelessness in developing the council's unified ten-year statewide plan to address homelessness in all counties of the State; and
- (3) Establish and maintain a statewide homelessness and housing data clearinghouse, which may include information on persons experiencing homelessness and available services, shelters, and housing.

§346-E Annual report. The coordinator shall submit an annual progress report to the legislature no later than twenty days prior to the convening of each regular session. The report shall include:

- (1) Performance metrics relating to reducing the number of persons experiencing homelessness in the State;
- (2) Performance metrics relating to housing and services inventory gaps, including but not limited to the number of persons experiencing homelessness served and placed into permanent housing and the cost per person served; and
- (3) Performance metrics to evaluate the State's performance on homeless services, housing, care coordination, and other needed services to end homelessness in the State."

SECTION 3. Chapter 346, part XVIII, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"~~[[[PART XVIII.]]—HAWAII INTERAGENCY COUNCIL ON] STATEWIDE HOMELESSNESS AND HOUSING SOLUTIONS"~~

SECTION 4. Chapter 346, Hawaii Revised Statutes, is amended by designating sections 346-381, 346-381.5, 346-382, and 346-383 under part XVIII as subpart A and inserting a title before section 346-381 to read as follows:

"A. Hawaii Interagency Council on Homelessness"

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for

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fiscal year 2022-2023 for the administration of the statewide office on homelessness and housing solutions; provided that:

- (1) Each county may provide support for programs within its county; and
- (2) Five full-time equivalent (5.0 FTE) permanent positions shall be established to carry out the objectives of the statewide office on homelessness and housing solutions established by section 3 of this Act.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 6. In codifying the new sections added by section 3 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that section 5 shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 253

S.B. NO. 2588

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the Hawaii public housing authority to rehabilitate, remodel, renovate, and repair two hundred sixty-four housing units.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 2. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 254

S.B. NO. 3236

A Bill for an Act Relating to Medicaid Patient Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the coronavirus disease 2019 (COVID-19) pandemic has created significant staffing and financial strains for Hawaii's long-term care facilities. Nursing facilities, community care foster family homes, and expanded adult residential care homes in the State continue to face increased costs, reduced revenues, staff shortages, and other challenges, making it difficult to maintain a high quality of care. The legislature believes that these large and ongoing pandemic-related losses are not sustainable for Hawaii's

nursing facilities, community care foster family homes, and expanded adult residential care homes, and threaten the integrity of the State's health care system.

The legislature recognizes that nursing facilities in the State experienced additional costs and revenue losses as a result of the pandemic, totaling \$50,000,000 in 2020 alone. Lower occupancy rates led to almost \$21,000,000 in decreased revenues, while nursing facilities additionally spent an estimated \$27,000,000 on COVID-19 testing; personal protective equipment; temporary staff to administer vaccinations; and boosters; supplies; and other pandemic-related expenses. These costs continued in 2021 and 2022 as the State experienced surges of the highly contagious delta and omicron variants of COVID-19.

The legislature also recognizes that the soaring cost of labor during the pandemic has been especially damaging to Hawaii's long-term care providers. According to the Healthcare Association of Hawaii, labor costs account for approximately seventy per cent of total costs for the State's nursing facilities. Many nursing facilities have been forced to rely on temporary staff from staffing agencies to compensate for staff absences due to COVID-19 exposure or infection, employee burnout, or employee attrition. The staffing agency fees have added significantly to the facilities' cost of labor.

The legislature acknowledges that the State's nursing facilities have received some federal assistance, including approximately \$20,600,000 in provider relief fund payments. However, these moneys only cover approximately thirty per cent of the facilities' total pandemic-related losses. Additionally, very little other federal funding was made available to cover the costs of COVID-19 testing, personal protective equipment, temporary staff for testing and vaccination, and other expenses, and there are no plans or expectations that any additional federal funds will be made available in the future.

Accordingly, the purpose of this Act is to help preserve the financial viability of nursing facilities, community care foster family homes, and expanded adult residential care homes in the State by providing a one-time enhanced payment to state-licensed skilled nursing facilities, community care foster family homes, and expanded adult residential care homes that are caring for medicaid patients. The legislature notes that this enhanced payment would be comparable to the enhanced payments other states are offering to their nursing facilities to assist with pandemic-related costs and lost revenues.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$18,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to provide enhanced payments to state-licensed skilled nursing facilities, community care foster family homes, and expanded adult residential care homes that are caring for medicaid patients; provided that the department of human services shall obtain the maximum amount of federal matching funds available for this expenditure.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

A Bill for an Act Relating to Mauna Kea.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The purpose of this Act is to establish the Mauna Kea stewardship and oversight authority and a transition and governance structure for the management of Mauna Kea lands.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY**

§ -1 **Findings and purpose.** The legislature finds that Mauna Kea serves as an important cultural and genealogical site to the people of Hawaii, particularly to Native Hawaiians. The summit region of Mauna Kea is a spiritual and special place of significance that is home to cultural landscapes, fragile habitats, and historical and archaeological artifacts. Due to its topographical prominence, Mauna Kea is also a highly valued site for astronomical study, which produces many significant discoveries that contribute to humanity’s study and understanding of the universe. However, in recent years, Mauna Kea has come to symbolize a rigid dichotomy between culture and science, often leading to polarization between stakeholders on Mauna Kea and local communities. This is a dynamic that plays out over many issues in many places. The critical significance of Mauna Kea for both culture and science offers an urgent and unique opportunity to surmount the dichotomy and develop new ways to mutually steward Mauna Kea. Therefore, a reformation of the stewardship of Mauna Kea is an issue of the highest priority in the State.

To commence the resolution of these issues to protect Mauna Kea and bring about a more harmonious coexistence of uses atop the mountain, the legislature has established the Mauna Kea stewardship and oversight authority and the governance structure contained in this chapter to protect Mauna Kea for future generations and manage the lands contained therein for the purpose of fostering a mutual stewardship paradigm in which ecology, the environment, natural resources, cultural practices, education, and science are in balance and synergy.

The legislature also recognizes that the enactment of this chapter is a pivot point that will require a transition, during which many principles and details will yet need to be ascertained. It is expected that amendments and additions will need to be made in future legislative sessions to ensure a mutually beneficial balance is always maintained for Mauna Kea and the people of Hawaii.

The legislature declares that the creation of the Mauna Kea stewardship and oversight authority and the transition and governance structure established in this chapter serve the public interest and are matters of statewide concern.

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Authority” means the Mauna Kea stewardship and oversight authority.

“Chairperson” means the chairperson of the authority.

“Lease” means the contractual right to possess and use a specified portion of land for a term of years.

“Mauna Kea land area” or “Mauna Kea lands” means lands under the state lease, as defined in this chapter.

“Person” includes an individual, a partnership, a corporation, or an association, except as otherwise defined in this chapter.

“State lease” means all leases and easements between the board of land and natural resources and the University of Hawaii pertaining to Mauna Kea that are in effect as of July 1, 2022, including that certain lease by and between the board of land and natural resources and the University of Hawaii entered into on June 21, 1968, as General Lease S-4191, as amended on September 21, 1999, as General Lease S-5529.

§ -3 Mauna Kea stewardship and oversight authority; established. (a)

There is established the Mauna Kea stewardship and oversight authority, which shall be a body corporate and a public instrumentality of the State for the purpose of implementing this chapter. The authority shall serve jointly with the University of Hawaii in fulfilling the obligations and duties under the state lease for a period of five years as established in section -6. The authority shall be placed within the department of land and natural resources for administrative purposes; provided that section 26-35 shall not apply to the authority.

(b) The authority shall consist of eleven voting members; provided that all members listed under paragraphs (4), (5), (6), (7), (8), (9), and (10) shall be appointed by the governor and subject to confirmation by the senate pursuant to section 26-34. If a past member of the University of Hawaii board of regents is appointed to fill the seat described in paragraph (3), the appointee shall be subject to confirmation by the senate pursuant to section 26-34. The chancellor of the University of Hawaii at Hilo shall serve as an ex officio, nonvoting member. The voting members shall include:

- (1) The chairperson of the board of land and natural resources, or the chairperson’s designee;
- (2) The mayor of the county of Hawaii, or the mayor’s designee;
- (3) The chairperson of the board of regents of the University of Hawaii; provided that the chairperson of the University of Hawaii board of regents may designate a:
 - (A) Member of the board of regents; or
 - (B) Past member of the board of regents with experience with Mauna Kea, to serve as the chairperson of the University of Hawaii board of regents’ designee;
- (4) An individual with aina (land) resource management expertise and specific experience with Hawaii island-based management;
- (5) An individual who is recognized as possessing expertise in the fields of p-12 public education or post-secondary education;
- (6) A representative who shall be appointed by the governor from a list of three names submitted by Maunakea Observatories;
- (7) An individual with business and finance experience who has previous administrative experience in managing a large private-sector business;
- (8) An individual who is a lineal descendent of a practitioner of Native Hawaiian traditional and customary practices associated with Mauna Kea;
- (9) An individual who is a recognized practitioner of Native Hawaiian traditional and customary practices; and

- (10) Two members who shall be appointed by the governor from a list of three names submitted for each appointment by the president of the senate and speaker of the house of representatives, respectively; provided that if fewer than three names are submitted for either appointment, the governor may disregard the list;

provided further that not less than three of the eleven members of the authority shall be residents of the county of Hawaii. Any designee appointed pursuant to paragraphs (1), (2), or (3) shall serve the entire term of the appointing authority unless the designee resigns from office or is otherwise incapable of serving out the entire term for good cause shown.

A majority of all members to which the authority is entitled shall constitute a quorum to do business, and the concurrence of a majority of all members shall be necessary to make any action of the authority valid. All members shall continue in office until their respective successors have been appointed and confirmed by the senate; provided that a member shall not hold over beyond the first legislative session following the expiration of the member's term of service.

(c) The governor shall appoint the chairperson of the authority from the members appointed pursuant to paragraphs (4), (5), (7), (8), (9), or (10) of subsection (b). If the governor appoints a person as chairperson who is not a sitting member of the authority, the governor shall designate that appointee as the chairperson prior to transmitting the appointment to the senate for confirmation. If the governor appoints a sitting member of the authority to serve as chairperson, the member appointed to serve as chairperson shall not be subject to an additional confirmation by the senate unless the member's term expires and the member is subsequently reappointed to the authority. If the chairperson resigns or is unable to fulfill the duties of the position, the authority may elect a vice chairperson from its membership to serve as the acting chairperson until a successor is appointed by the governor and, if needed, confirmed by the senate.

Members and staff shall be reimbursed for expenses incurred in the performance of their duties, including reasonable travel expenses for authority-related business as approved by the authority, subject to applicable laws and administrative rules.

(d) Notwithstanding section 26-34(a), with respect to length and amount of terms, the members of the authority shall serve for a term of three years and shall not serve more than three partial or full terms; provided that the initial terms shall be staggered, as determined by the governor.

(e) The authority shall utilize the existing University of Hawaii center for Mauna Kea stewardship staff and organization during the transitional period, and may engage other services as needed; provided that the authority shall appoint a board secretary, who shall also serve as executive assistant to the authority, without regard to chapters 76 and 89.

(f) The authority shall establish its offices at the University of Hawaii at Hilo, Imiloa astronomy center or another suitable location or facility within the county of Hawaii.

§ -4 Values and principles. The authority may adopt and be guided by the following operational values and principles:

- (1) Mauna Aloha - Understanding the reciprocal value of the mauna and a long-term commitment to maintaining the integrity of Mauna Kea;
- (2) Opu Kupuna - Understanding and embracing a duty and accountability to Mauna Kea, the natural environment, and to perpetuate the Native Hawaiian traditional and customary practices embedded in the landscape of the mauna; and

- (3) Holomua Oi Kelakela - Driven by creativity and innovation, constantly challenging the status quo, with a stewardship of Mauna Kea that is informed based on existing knowledge and traditions, as well as on new and expanding knowledge. The authority shall be mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance the ability to serve as stewards without jeopardizing the foundation of aina aloha.

§ -5 **Powers and responsibilities; generally.** (a) Except as otherwise limited by this chapter, the authority, as it pertains to the Mauna Kea land area, may:

- (1) Make and execute contracts, leases, and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (2) Make and alter bylaws for its organization and internal management;
- (3) Adopt rules pursuant to chapter 91 for the purposes of this chapter;
- (4) Conduct meetings in accordance with chapter 92 for the purposes of this chapter;
- (5) Appoint officers, agents, and employees who may be exempt from chapter 76, prescribe their duties and qualifications, and fix their salaries;
- (6) Provide advisory, consultative, training, and educational services; technical assistance; and advice to any person, partnership, or corporation, either public or private, to carry out the purposes of this chapter, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (7) Procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it deems desirable;
- (8) Contract for and accept gifts or grants in any form from any public agency or from any other source;
- (9) Adopt rules governing the procurement and purchase of goods, services, and construction, subject to the requirements of chapter 103D;
- (10) Enter into cooperative agreements, easements, subleases, or other contracts, as necessary, with any state agency, county agency, or private landowner;
- (11) Contract for executive and administrative employee services;
- (12) Call upon the attorney general for legal services or employ its own counsel in conformity with section 28-8.3; and
- (13) Do any and all things necessary to carry out its purposes and exercise the powers granted in this chapter.
 - (b) Notwithstanding any other law to the contrary, the authority shall:
 - (1) Be the principal authority for the management of state-managed lands within the Mauna Kea lands;
 - (2) Provide oversight and protect traditional and customary Native Hawaiian rights, as set forth in the Hawaii State Constitution, and not unduly burden individuals exercising these rights;
 - (3) Establish a process that provides and ensures transparency, analysis, and justification for lease terms of its land and monetary consideration that is equitable, feasible, and financially sustainable;
 - (4) Be prohibited from selling, gifting, transferring, or exchanging land under its control;

- (5) Engage in community dialogue, outreach, engagement, and consultation processes, as appropriate, on significant matters on at least an annual basis and more frequently, as needed; and
- (6) Consider various supplemental revenue sources to be deposited into the Mauna Kea management special fund, to the extent permitted by law.

§ -6 Transition; management plan. (a) The authority shall have a transition period of five years beginning July 1, 2023; provided that all of the initial members have been confirmed by the senate. During the transition period, the authority shall jointly manage Mauna Kea lands with the University of Hawaii; provided that the authority's day-to-day operations shall be carried out by the center of Mauna Kea stewardship for the transition period established in this subsection.

(b) The authority shall develop a management plan to govern land uses; human activities, other uses, and access, including permitted uses for frequent and seasonal users; stewardship; education; research; disposition; and overall operations. The management plan shall:

- (1) Be developed during the transition period;
- (2) Be finalized, approved, and operational by the end of the transition period;
- (3) Be updated at least every ten years with a focus on long-term, comprehensive, and coordinated planning for all of the Mauna Kea lands;
- (4) Consider the State's energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change;
- (5) Prepare for and establish the framework, criteria, and procedures for any leases and permits;
- (6) Incorporate indigenous management and cultural processes and values; and
- (7) Include an aspirational statement to acknowledge and contextualize unresolved social justice issues that underpin the conservation, preservation, and public use of Mauna Kea.

(c) The authority shall adopt a financial plan that strives for the financial self-sustainability of the authority after the sixth year following the transitional period established in subsection (a).

(d) The authority shall be responsible for the establishment of a framework for astronomy-related development on Mauna Kea. The framework may include:

- (1) Limitations on the number of observatories and astronomy-related facilities, or an astronomy facility footprint limitation;
- (2) Prioritizing the reuse of footprints of observatories that are scheduled for decommissioning, or have been decommissioned, as sites for facilities or improvements over the use of undeveloped lands for such purposes; and
- (3) A set of principles for returning the lands used for astronomy research to their natural state whenever observatories are decommissioned or no longer have research or educational value.

(e) During the transition period, the authority may take any actions necessary to prepare for the assumption of total authority over Mauna Kea lands at the end of the transition period, including the adoption of rules pursuant to section -13(b).

(f) Notwithstanding any other law to the contrary, commencing on the effective date of this chapter and until the expiration of the transition period, no new lease shall be issued and no existing lease shall be renewed involving any Mauna Kea lands; provided that, upon the expiration of an existing lease during the transition period, a lessee may continue to hold the land as a holdover, subject to any terms and conditions as may be mutually agreed upon by the authority and University of Hawaii.

§ -7 Authority after transition period. (a) Following the end of the transition period pursuant to section -6, the department of land and natural resources, University of Hawaii, and all other departments and agencies of the State shall be subject to the oversight of the authority with regard to the control and management of Mauna Kea lands. Subject to section -5 and upon the direction of the authority, the department of land and natural resources shall:

- (1) Implement controls and permitted uses of Mauna Kea lands;
- (2) Enforce this chapter;
- (3) Provide administrative support to the authority; and
- (4) Authorize those of its employees as it deems reasonable and necessary to serve and execute warrants and arrest offenders or issue citations in all matters relating to the enforcement of the laws and rules applicable to Mauna Kea lands.

(b) Notwithstanding any law to the contrary, all powers and duties of the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, concerning permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands are transferred to the authority upon the expiration of the transition period; provided that the transfer of such powers and duties from the board of land and natural resources and the land use commission may occur earlier, upon approval of the authority, the board of land and natural resources, and the land use commission. Upon the expiration of the transition period, the authority shall carry out the powers and duties otherwise conferred upon the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, with regard to permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands.

§ -8 Astronomy development; declaration of policy; reserved viewing or observing time and other requirements. (a) It is declared that the support of astronomy consistent with section -1 is a policy of the State.

(b) Beginning after the transition period has expired, any lease executed by the authority for an astronomical observatory shall include reserved viewing or observing time of not less than seven per cent of the total amount of viewing or observing time provided by the astronomical observatory for the University of Hawaii, as negotiated by the authority. The university shall give priority on the use of the reserved viewing or observing time to projects that include the participation of:

- (1) Hawaii students, including:
 - (A) Graduate and undergraduate students of the University of Hawaii;
 - (B) Students of Hawaii public schools operated by the department of education; and
 - (C) Students from any other school, public or private, in which education is provided to students in the medium of the Hawaiian language, in whole or in part, or that includes a Hawaiian language proficiency requirement for graduation; and

(2) Projects curated and submitted by the University of Hawaii at Hilo Imiloa astronomy center.

(c) The authority shall develop, negotiate, and execute agreements that promote astronomy. This includes education, training, employment, and professional development opportunities for state residents.

(d) The university shall submit an annual report on the use of the reserved viewing or observing time, including the application of the priorities listed in subsection (b), to the authority and legislature no later than twenty days prior to the convening of each regular session, commencing with the regular session immediately succeeding the expiration of the transition period established in section -6.

§ -9 Advisory groups. (a) The authority shall establish advisory groups to advise the authority in its management of Mauna Kea.

(b) Any advisory groups established pursuant to this section shall convene regularly and be consulted on a broad range of issues relating to their respective purview.

§ -10 Annual report. The authority shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2024. Each annual report shall include:

- (1) A review of the authority's management actions;
- (2) A review of the implementation of all legislatively required plans, including financial and management reports, budgets, expenditures, and plans;
- (3) A review of the human uses of the natural and cultural resources of Mauna Kea and the impacts of the human uses on these resources;
- (4) A review of the commercial uses of the natural and cultural resources of Mauna Kea and the impacts of the commercial uses on these resources;
- (5) An assessment of cumulative impacts to Mauna Kea;
- (6) A review of all community dialogue, outreach, engagement, and consultation; and
- (7) A review of the University of Hawaii's use of its reserved viewing or observing time.

§ -11 Access and use; restrictions; orientation; entryway. (a) The authority may limit commercial use and activities of the Mauna Kea lands and may adopt rules pursuant to chapter 91 to designate areas for permissible use.

(b) The authority may require an application for all recreational uses, including fees, and create guidelines on potential limits by monitoring the social, safety, and conservation impacts of recreational use over time.

(c) The authority may require all individuals accessing Mauna Kea lands to undergo an annual orientation anchored by the authority's guiding operational values and principles; provided that all employees, contractors, leaseholders, and others who regularly access Mauna Kea shall have more extensive training on the authority's guiding operational values and principles pursuant to section -4.

§ -12 Lease provisions; generally. Each lease issued by the authority shall contain the following provisions:

- (1) The specific use or uses to which the land is to be employed;

- (2) The improvements required; provided that a minimum reasonable time be allowed for the completion of the improvements;
- (3) Restrictions against alienation;
- (4) The rent, as established by independent appraisal or rules of the authority, or both, or at public auction, which shall be payable not more than one year in advance, in monthly, quarterly, semiannual, or annual payments;
- (5) Where applicable, adequate protection of forests, watershed areas, game management areas, wildlife sanctuaries, and public hunting areas, reservation of rights-of-way and access to other public lands, public hunting areas, game management areas, or public beaches, and prevention of nuisance and waste;
- (6) If the lease is for an astronomical observatory, reserved viewing or observing time in accordance with section 8(b); and
- (7) Other terms and conditions as the authority deems advisable to more nearly effectuate the purposes of the Hawaii State Constitution and of this chapter.

§ -13 Rules. (a) In addition to any other rulemaking powers authorized under this chapter, the authority may adopt rules pursuant to chapter 91 on the management, stewardship, oversight, and protection of Mauna Kea lands and cultural resources. The rules adopted under this section shall follow existing laws, rules, ordinances, and regulations as closely as is consistent with standards to meet minimum requirements of good design, health, safety, and coordinated development.

(b) The authority may adopt rules before the end of the transitional five-year period established in section 6; provided that the rules shall not go into effect until the transition period is completed.

§ -14 Contested cases. (a) Chapter 91 shall apply to every contested case arising under this chapter except where chapter 91 conflicts with this chapter, in which case this chapter shall apply. Any other law to the contrary notwithstanding, including chapter 91, any contested case under this chapter shall be appealed from a final decision and order or a preliminary ruling that is of the nature defined by section 91-14(a) upon the record directly to the supreme court for final decision. Only a person aggrieved in a contested case proceeding provided for in this chapter may appeal from the final decision and order or preliminary ruling. For the purposes of this section, the term “person aggrieved” includes an agency that is a party to a contested case proceeding before that agency or another agency.

(b) The court shall give priority to contested case appeals of significant statewide importance over all other civil or administrative appeals or matters and shall decide these appeals as expeditiously as possible.

§ -15 Mauna Kea management special fund. (a) There is established the Mauna Kea management special fund into which shall be deposited:

- (1) Appropriations from the legislature;
 - (2) Moneys from supplemental sources as authorized by the authority, pursuant to the powers granted by this chapter;
 - (3) Any grant or donation made to the special fund; and
 - (4) Any interest earned on the balance of the special fund.
- (b) Proceeds from the special fund shall be used for administration, capital improvement projects, and other purposes pursuant to this chapter.

§ -16 **Issuance of bonds.** The director of finance, from time to time, may issue general obligation bonds pursuant to chapter 39 in amounts authorized by the legislature for the purposes of this chapter.”

SECTION 3. Section 28-8.3, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or otherwise, for the purpose of representing the State or the department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply to the employment or retention of attorneys:

- (1) By the public utilities commission, the labor and industrial relations appeals board, and the Hawaii labor relations board;
- (2) By any court or judicial or legislative office of the State; provided that if the attorney general is requested to provide representation to a court or judicial office by the chief justice or the chief justice’s designee, or to a legislative office by the speaker of the house of representatives and the president of the senate jointly, and the attorney general declines to provide such representation on the grounds of conflict of interest, the attorney general shall retain an attorney for the court, judicial, or legislative office, subject to approval by the court, judicial, or legislative office;
- (3) By the legislative reference bureau;
- (4) By any compilation commission that may be constituted from time to time;
- (5) By the real estate commission for any action involving the real estate recovery fund;
- (6) By the contractors license board for any action involving the contractors recovery fund;
- (7) By the office of Hawaiian affairs;
- (8) By the department of commerce and consumer affairs for the enforcement of violations of chapters 480 and 485A;
- (9) As grand jury counsel;
- (10) By the Hawaii health systems corporation, or its regional system boards, or any of their facilities;
- (11) By the auditor;
- (12) By the office of ombudsman;
- (13) By the insurance division;
- (14) By the University of Hawaii;
- (15) By the Kahoolawe island reserve commission;
- (16) By the division of consumer advocacy;
- (17) By the office of elections;
- (18) By the campaign spending commission;
- (19) By the Hawaii tourism authority, as provided in section 201B-2.5;
- (20) By the division of financial institutions;
- (21) By the office of information practices;
- (22) By the school facilities authority; ~~or~~
- (23) By the Mauna Kea stewardship and oversight authority; or
- ~~(23)~~ (24) By a department, if the attorney general, for reasons deemed by the attorney general to be good and sufficient, declines to employ or retain an attorney for a department; provided that the governor waives the provision of this section.”

2. By amending subsection (c) to read:

“(c) Every attorney employed by any department on a full-time basis, except an attorney employed by the public utilities commission, the labor and industrial relations appeals board, the Hawaii labor relations board, the office of Hawaiian affairs, the Hawaii health systems corporation or its regional system boards, the department of commerce and consumer affairs in prosecution of consumer complaints, insurance division, the division of consumer advocacy, the University of Hawaii, the Hawaii tourism authority as provided in section 201B-2.5, the Mauna Kea stewardship and oversight authority, the office of information practices, or as grand jury counsel, shall be a deputy attorney general.”

SECTION 4. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;
- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of

- the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);
- (10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;
 - (11) (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;
 - (B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual/bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational/supportive services specialists, alternative school project coordinators, and communications aides in the department of education;
 - (C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and
 - (D) Members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;
 - (12) Employees engaged in special, research, or demonstration projects approved by the governor;
 - (13) (A) Positions filled by inmates, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs;
 - (B) Positions filled with students in accordance with guidelines for established state employment programs; and
 - (C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;
 - (14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;
 - (15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and

- whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;
 - (17) Positions specifically exempted from this part by any other law; provided that:
 - (A) Any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature; and
 - (B) All of the positions defined by paragraph (9) shall be included in the position classification plan;
 - (18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects;
 - (19) Household employees at the official residence of the president of the University of Hawaii;
 - (20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;
 - (21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;
 - (22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;
 - (23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;
 - (24) The sheriff;
 - (25) A gender and other fairness coordinator hired by the judiciary;
 - (26) Positions in the Hawaii National Guard youth and adult education programs;
 - (27) In the state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;
 - (28) Administrative appeals hearing officers in the department of human services;
 - (29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care ser-

vices branch administrator, medical director, and clinical standards administrator;

- (30) In the director’s office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, and security and privacy compliance analyst;
- (31) The Alzheimer’s disease and related dementia services coordinator in the executive office on aging;
- (32) In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel; provided that, for state warning point personnel, the director shall determine that recruitment through normal civil service recruitment procedures would result in delay or noncompliance;

~~and~~ [(33)] The executive director and seven full-time administrative positions of the school facilities authority[-]; and

(34) Positions in the Mauna Kea stewardship and oversight authority.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955.”

SECTION 5. (a) The Mauna Kea stewardship and oversight authority shall:

- (1) Study and recommend whether a reserve should be established that specifically preserves Mauna Kea lands for natural, ecological, archaeological, and historical preservation; cultural practice; rehabilitation, revegetation, and habitat restoration; and educational purposes. If the Mauna Kea stewardship and oversight authority recommends that a reserve be established, the authority shall also make a recommendation on the lands to be included within the reserve;
 - (2) Conduct an assessment on whether the University of Hawaii school of astronomy should be relocated, in whole or in part, to the University of Hawaii at Hilo; and
 - (3) Include in its study and report any other information on issues relating to the management and protection of Mauna Kea it deems appropriate.
- (b) The Mauna Kea stewardship and oversight authority shall submit:
- (1) An interim report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024; and
 - (2) A final report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025.

SECTION 6. The auditor shall conduct a performance and financial audit of the Mauna Kea stewardship and oversight authority and shall submit a report on findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of 2031.

PART II

SECTION 7. (a) On July 1, 2028, all rights, powers, functions, and duties of the University of Hawaii relating to the powers and responsibilities granted to the Mauna Kea stewardship and oversight authority under part I of this Act are transferred to the Mauna Kea stewardship and oversight authority.

(b) Notwithstanding the transfer of all rights, powers, functions, and duties pursuant to subsection (a), the state lease by and between the board of land and natural resources and the University of Hawaii entered into on June 21, 1968, as General Lease S-4191, as amended on September 21, 1999, as General Lease S-5529, shall remain in full force and effect until its expiration unless otherwise specifically amended pursuant to an agreement by the Mauna Kea stewardship and oversight authority and the University of Hawaii.

(c) Upon the assignment of all rights, powers, and duties of the University of Hawaii to the Mauna Kea stewardship and oversight authority pursuant to subsection (a), the University of Hawaii shall be released from any and all obligations under the state lease by and between the board of land and natural resources and the University of Hawaii entered into on June 21, 1968, as General Lease S-4191, as amended on September 21, 1999, as General Lease S-5529, and any conservation district use application permits appertaining thereto, unless otherwise specifically agreed upon pursuant to an agreement by the Mauna Kea stewardship and oversight authority and the University of Hawaii; provided that the transfer and release authorized under this subsection shall not apply to any litigation pending on June 30, 2028, relating to General Lease S-4191, as amended on September 21, 1999, as General Lease S-5529, or any conservation district use application permit appertaining thereto, to which the University of Hawaii is a party.

(d) Notwithstanding subsection (b) or any action that is a consequence of this Act, including a merger of interests, effective July 1, 2028, every reference to the department of land and natural resources, board of land and natural resources, or the chairperson of the board of land and natural resources in those deeds, leases, subleases, contracts, loans, agreements, permits, or other documents relating to Mauna Kea lands shall be construed as a reference to the Mauna Kea stewardship and oversight authority or the chairperson of the authority, as appropriate; provided that all deeds, leases, subleases, contracts, loans, agreements, permits, or other documents executed or entered into prior to the effective date of this Act, by or on behalf of the department of land and natural resources or the board of land and natural resources pursuant to the Hawaii Revised Statutes that are reenacted or made applicable to the Mauna Kea stewardship and oversight authority by this Act, shall remain in full force and effect until its expiration unless otherwise specifically amended pursuant to an agreement by the Mauna Kea stewardship and oversight authority and the University of Hawaii.

SECTION 8. (a) All employees who occupy civil service positions and whose functions are transferred to the Mauna Kea stewardship and oversight authority by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which trans-

ferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

(b) Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status but shall not be appointed to a civil service position as a consequence of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The executive director of the center for Mauna Kea stewardship may prescribe the duties and qualifications of these employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

SECTION 9. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the University of Hawaii relating to the functions transferred to the Mauna Kea stewardship and oversight authority shall be transferred with the functions to which they relate.

PART III

SECTION 10. During the transition period, the University of Hawaii board of regents and president shall exercise the authority granted to them by part IV, subpart O, of chapter 304A, Hawaii Revised Statutes, only to the extent as necessary to allow the Mauna Kea stewardship and oversight authority, established pursuant to part I of this Act, to assume authority of Mauna Kea lands pursuant to this Act; provided that the University of Hawaii board of regents and the president of the University of Hawaii shall cooperate and work collaboratively with the authority to support and ensure the successful transition of stewardship and oversight of the Mauna Kea lands; provided further that the University of Hawaii at Hilo shall provide all necessary support to the Mauna Kea stewardship and joint oversight during the transition period consistent with the purposes of this Act, including equitably funding the authority and University of Hawaii.

PART IV

SECTION 11. Chapter 304A, part IV, subpart O, Hawaii Revised Statutes, is repealed.

SECTION 12. Section 304A-2170, Hawaii Revised Statutes, is repealed.

PART V

SECTION 13. The University of Hawaii shall commence and complete the timely decommissioning of the California Institute of Technology (Caltech) Submillimeter Telescope and the University of Hawaii at Hilo Hoku Kea Teaching Telescope as determined by the Mauna Kea stewardship and oversight authority.

PART VI

SECTION 14. There is appropriated out of the general revenues of the State of Hawaii the sum of \$14,000,000 or so much thereof as may be necessary

for fiscal year 2022-2023 for startup and transition planning costs for the Mauna Kea stewardship and oversight authority, including the hiring of one full-time equivalent (1.0 FTE) executive assistant position, who shall also serve as secretary to the authority, and who shall be exempt from chapter 76, Hawaii Revised Statutes, to support the Mauna Kea stewardship and oversight authority.

The sum appropriated shall be expended by the Mauna Kea stewardship and oversight authority for the purposes of this Act.

SECTION 15. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2022-2023 for K-12 public education programs in astronomy-related fields of learning at the University of Hawaii at Hilo, Imiloa astronomy center.

The sum appropriated shall be expended by the University of Hawaii at Hilo for the purposes of this Act.

SECTION 16. On the close of business on June 30, 2028, all moneys in the Mauna Kea lands management special fund established pursuant to section 304A-2170, Hawaii Revised Statutes, shall be deposited in the Mauna Kea management special fund established pursuant to section -15, Hawaii Revised Statutes, in part I, section 2, of this Act.

PART VII

SECTION 17. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 18. This Act shall take effect on July 1, 2022; provided that part IV shall take effect on July 1, 2028.

(Approved July 7, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 256

S.B. NO. 2457

A Bill for an Act Relating to Immigrant Resource Centers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii has a long history of welcoming immigrants. These immigrants and their children have made, and continue to make, significant contributions to the State. Immigrants continue to play a vital role in Hawaii's economy, workforce, and community.

The legislature further finds that immigrants make up approximately two hundred fifty thousand members, or eighteen per cent, of Hawaii's population, including one hundred forty-five thousand persons who are naturalized citizens. Immigrants make up forty per cent of agricultural workers, thirty-three per cent of tourism and hospitality workers, and twenty-three per cent of health care workers in the State. Despite these numbers, many immigrants face barriers to success, including discrimination, cultural misunderstanding, and lack of language access to government information and services. Immigrants are family, neighbors, co-workers, business owners, and professionals. The legislature finds that recent immigrants and naturalized citizens need and deserve access to government services so that they may fully participate in and contribute to our community.

The legislature also finds that in 1985, the legislature established the office of community services. The office of community services' legislative mandate and mission is to serve low-income individuals, immigrants, and refugees. In establishing the office of community services, the legislature effectively consolidated four anti-poverty agencies administering state and federal funds: the office of the progressive neighborhoods program, the Hawaii office of economic opportunity, the refugee resettlement program, and the state immigrant services center. Previously, the state immigrant services center was a part of the governor's office, and it received significant funding and staffing to serve immigrants and refugees before its consolidation and establishment as an agency attached to the department of labor and industrial relations.

The legislature believes that the director and staff of the office of community services have successfully served low-income families and communities by administering millions of dollars in federal funds and grants-in-aid. Immigrants and refugees can also benefit from these services, but these programs do not address the needs of immigrants and refugees who have limited English proficiency or who are unfamiliar with government regulations and benefits. House Concurrent Resolution No. 169, Regular Session of 2021, requested a report on ways to "improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community." Community groups noted that the office of community services is the primary state agency to serve immigrants and that there is a need for a dedicated staff assigned to address immigrant and refugee matters and reinstate immigrant resource centers. Unfortunately, funding for the office of community services was previously reduced by approximately \$700,000, and immigrant resource centers have not been available for years.

The legislature also believes that it is the State's responsibility to enforce laws and provide programs to benefit the State. Among the groups that face barriers to equal access to services are those with limited English proficiency. Staff and additional resources are needed so that the office of community services may meet its legislative mandate and mission to serve low-income individuals, immigrants, and refugees.

Accordingly, the purpose of this Act is to appropriate funds for the office of community services so that the office may fund immigrant resource centers with an outreach component.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the office of community services to restore funding for immigrant resource centers for the purpose of providing staff and resources to assist immigrant and refugee populations throughout the State; provided that the office of community services shall include an outreach component in the services it provides.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 257

H.B. NO. 2000

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the school facilities authority to expand access to pre-kindergarten to eligible children of the State. The school facilities authority may expend the moneys appropriated in this section on:

- (1) The construction of new school facilities;
- (2) The renovation, improvement, and expansion of existing school facilities to increase pre-kindergarten student capacity; and
- (3) Any other costs the school facilities authority deems appropriate to increase pre-kindergarten student capacity within the State.

The sum appropriated shall be expended by the school facilities authority for the purposes of this Act; provided that the appropriation authorized by this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided further that all moneys from the appropriation unencumbered as of June 30, 2024, shall lapse as of that date.

SECTION 2. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 258

S.B. NO. 2182

A Bill for an Act Relating to School Gardens.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that establishing a school garden coordinator position placed within the department of education's office of curriculum and instructional design is needed to successfully implement the following purposes of the Hawaii farm to school program set forth by Act 175, Session Laws of Hawaii 2021:

- (1) Improving student health;
- (2) Developing an educated agricultural workforce; and
- (3) Accelerating garden and farm-based education for public school students.

The legislature further finds that the increased use of learning gardens and farms on school campuses across the State plays a central role in protecting student health, recovering and advancing academic achievement, and strengthening social-emotional well-being. The farm to school program seeks to equitably improve learning, mental and physical health, and happiness for children and adults through the increased use of outdoor educational spaces. This also reduces the burden on indoor classrooms while providing fresh air, hands-on learning opportunities, and the health benefits associated with increased access to nature. A national study of nearly twenty thousand participants revealed that spending two or more hours per week in nature, either all at once or cumulatively, is definitively linked with better health and well-being.

The purpose of this Act is to establish and fund the position of school garden coordinator, within the department of education's office of curriculum

and instructional design, to provide technical support and startup resources for schools interested in developing a school garden program.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2022-2023 for one full-time equivalent (1.0 FTE) permanent position of school garden coordinator to be placed within the department of education's office of curriculum and instructional design; provided that the funds may also be used for expenses related to the provision of technical support and startup resources for schools interested in developing a school garden program.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 259

S.B. NO. 2818

A Bill for an Act Relating to Summer Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the coronavirus disease 2019 (COVID-19) pandemic has and continues to disrupt learning and adversely impact Hawaii's students, especially the most vulnerable. Data for school year 2021 to 2022 show that more than sixty per cent of elementary and middle school students are one or two grade levels behind in their studies. Students are also in need of more support to build social-emotional skills and heal from trauma.

According to the Afterschool Alliance and National Summer Learning Association, summer learning programs have a proven record of providing the support that students need. In addition to enriching the academic experience and providing opportunities for social-emotional support, summer learning programs provide healthy meals, active play, and hands-on vocational experiences. Importantly, struggling students and children from low-income households often experience the greatest gains from summer learning programs.

The legislature further finds that the establishment of the elementary and secondary school emergency relief fund, created under federal legislation passed in response to the COVID-19 pandemic, has provided an unprecedented amount of funds to support public schools and summer learning programs.

The legislature also finds, however, that the department of education needs additional capacity to coordinate and support efforts to accelerate learning during the summer. By coordinating services and targeting the most impacted and vulnerable students, the department of education can reduce or eliminate redundant efforts and promote the equitable provision of services. Additional capacity will also help the department of education coordinate its efforts with the efforts of other governmental agencies and community organizations that provide summer programming for students, which, in turn, helps identify gaps in summer learning opportunities.

The purpose of this Act is to establish and fund a summer learning coordinator position within the department of education.

SECTION 2. There is established within the department of education one full-time equivalent (1.0 FTE) permanent position of summer learning co-

ordinator to coordinate all school-based summer programs for children, including but not limited to the public summer school, e-school summer program, Credit Recovery summer program, alternative learning summer programs, and other school-based summer programs.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$125,000 or so much thereof as may be necessary for fiscal year 2022-2023 to establish one full-time equivalent (1.0 FTE) permanent position of summer learning coordinator within the department of education.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 260

S.B. NO. 2862

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that hot classroom temperatures in Hawaii's public schools can adversely affect students by making them drowsy, irritable, and unmotivated. Hawaii's overheated classrooms can also cause students to suffer headaches, nausea, heat rashes, heat exhaustion, and, in severe cases, heat stroke. Additionally, studies show that while classroom temperatures over eighty degrees can negatively impact student achievement, temperatures in Hawaii's classrooms are regularly recorded at over one hundred degrees during certain periods of the school year.

The legislature additionally finds that \$100,000,000 was appropriated for the department of education's heat abatement program through Act 47, Session Laws of Hawaii 2016. While the \$100,000,000 appropriated in 2016 successfully funded heat abatement upgrades for over one thousand three hundred public school classrooms, over five thousand classrooms still require heat abatement improvements. With classroom temperatures continuing to escalate because of the impact of climate change on the State, providing heat abatement upgrades for overheated classrooms remains a high priority for Hawaii's public school system.

The purpose of this Act is to appropriate funds for the installation of air conditioning in Hawaii's public school classrooms.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the installation of air conditioning in Hawaii public school classrooms that have not received air conditioning units or other heat abatement measures.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

A Bill for an Act Relating to Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State’s high school students and adult education students would benefit from a work readiness preparation program. A close collaboration between educators and industry employers would ensure that students develop the skills and credentials needed to make them highly employable.

The legislature recognizes the benefit of allowing students, including students at adult and community schools, to earn associate degrees, workforce development diplomas, pre-apprenticeship certificates, and other industry-recognized certificates.

Accordingly, the purpose of this Act is to establish an adult workforce readiness program.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§302A- **Adult workforce readiness program; established.** (a) There is established within the department an adult workforce readiness program to be administered by the adult and community education program.

(b) The department shall designate schools, including adult and community schools, that may participate in the program.

(c) Designated adult workforce readiness program schools shall provide opportunities for students to earn associate degrees, as well as workforce development diplomas, pre-apprenticeship certificates, and other industry-recognized certificates that assess and document the student’s readiness for a wide range of employment.

(d) The department may coordinate with the department of labor and industrial relations and the department of human services division of vocational rehabilitation and may enter into contracts with local industry employers, as appropriate, to develop and implement the workforce readiness program.

(e) The department may adopt rules pursuant to chapter 91 for the purposes of this section.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect July 1, 2022.

(Approved July 7, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Medical Education and Training.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that many Hawaii residents are unable to obtain timely and appropriate health care due to a shortage of health

care providers in the State. The ongoing shortage threatens individual health and may adversely affect the State's health care costs. The neighbor islands, which have been designated by the federal government as medically underserved areas, have been disproportionately adversely affected by shortages of physicians in all areas of practice. The John A. Burns school of medicine at the University of Hawaii at Manoa has engaged in strategies to increase the numbers of physicians in Hawaii, including, among other endeavors:

- (1) Enrolling more students each year;
- (2) Rotating medical students to the neighbor islands for preclinical rotations up to twelve weeks;
- (3) Developing longitudinal third-year rotation sites where a small number of students are in the same location for five months;
- (4) Developing a small number of sites for four-week fourth-year clinical rotations;
- (5) Developing residency or fellowship rotations on neighbor islands; and
- (6) Administering the Hawaii state loan repayment program that places recipients in underserved communities, especially the neighbor islands.

Current physician workforce data indicates that Hawaii has a shortage of about seven hundred fifty physicians when compared to the general United States physician-patient ratios for a similar demographic population. Primary care, internal medicine, and some specialty physician shortages represent Hawaii's greatest areas of need. Without these physicians, the people of Hawaii do not have access to the health care they need.

Research from the John A. Burns school of medicine suggests that about eighty per cent of graduates who complete their medical school and residency training in Hawaii, remain in the State to practice. Medical residents who train on the neighbor islands are more likely to subsequently practice on the neighbor islands. Expanding capacity for year-round medical education training will create a pipeline of new physicians positioned to initiate neighbor island practices. With a fully developed program that focuses on medically underserved areas such as the neighbor islands, it will be possible to expand the State's primary care family medicine, internal medicine, and some specialty residencies.

In Hawaii, graduate medical costs are largely borne by the University of Hawaii and its affiliated health systems. Although some federal funding has been used by the health systems to cover a portion of these costs, there are areas where the State can invest and expand medical education and training using the newly available American Rescue Plan Act funding.

Current primary care residencies hosted in Hawaii's health systems on the neighbor islands could be leveraged to expand medical education and training, which would require the hiring of dedicated teaching faculty. Funding is also required for student and resident support, including travel, housing, and other coordinated activities across all sites.

The legislature recognizes that ongoing funding of medical education is vital to address the physician shortage in Hawaii. Considerable public outcomes can be achieved by expanding capacity for training medical students with the goal of having these students ultimately remain in Hawaii to practice. Providing funds for medical education is vital to address the physician shortage in Hawaii.

In addition, there is strong collaboration between the John A. Burns school of medicine and the United States Department of Veterans Affairs. The United States Department of Veterans Affairs health system currently invests in Hawaii-based residency positions using a separate federal pool of resources for support. With additional faculty members, the capacity to train additional

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Hawaii-based residents through the Department of Veterans Affairs graduate medical education program will enable the John A. Burns school of medicine to expand the number of residency rotations and create new training opportunities.

Therefore, the purpose of this Act is to:

- (1) Appropriate funds to the John A. Burns school of medicine to expand medical education and training in Hawaii, with an emphasis on supporting residency training on the neighbor islands and in medically underserved populations throughout the State; and
- (2) Appropriate funds to the John A. Burns school of medicine to create further medical residency and training opportunities through a partnership between the John A. Burns school of medicine and the United States Department of Veterans Affairs.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,700,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the creation of additional medical residencies and training opportunities for medical students in counties with populations of five hundred thousand or less.

The sum appropriated shall be expended by the University of Hawaii at Manoa John A. Burns school of medicine for the purposes of this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the expansion of medical residency and training opportunities in partnership with the United States Department of Veterans Affairs.

The sum appropriated shall be expended by the University of Hawaii at Manoa John A. Burns school of medicine for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 263

S.B. NO. 2597

A Bill for an Act Relating to Loan Repayment for Health Care Professionals.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that many Hawaii residents are unable to obtain timely and appropriate health care due to shortages of primary and behavioral health care professionals in the State. These shortages not only threaten individual health, but the entire State's health care system. Areas of Hawaii that have been designated by the federal government as medically underserved have been most significantly affected by shortages of primary and behavioral health care professionals, including physicians, nurse practitioners, physician assistants, and psychologists. Social workers, marriage and family therapists, and registered nurses are also urgently needed in these areas.

In many cases, the increasingly high cost of education for health care professionals binds graduates to a career path that provides sufficient income to repay often exorbitant student loans. These career paths frequently lead to professional practice in highly specialized fields of care in urban areas, rather than in general practice on the neighbor islands or in underserved areas in the State where the need is greatest. The legislature further finds that states with robust

primary health care systems have lower costs and improved patient outcomes. Recognizing this correlation, many states have made the policy decision to dedicate public funds to the development of a strong primary health care workforce for underserved areas.

The legislature also finds that the Hawaii state loan repayment program administered by the John A. Burns school of medicine of the University of Hawaii at Manoa leverages public funds and private donations to access matching federal funds through the National Health Service Corps State Loan Repayment Program of the United States Department of Health and Human Services. Since September 1, 2012, the loan repayment program has supported sixty-four recipients in exchange for work commitments in underserved geographic practice areas in Hawaii, with eighty-three per cent remaining in Hawaii and seventy per cent remaining at the site where they performed their service. Currently, health care professionals who have benefited from the loan repayment program serve on all islands and in the communities of Hilo, Kihei, Waianae, Wailuku, and Waimea; at health clinics in Kalihi-Palama and Kokua Kalihi Valley; and in public institutional settings at the federal detention center in Honolulu, Halawa correctional facility, and Maui County correctional center.

The legislature recognizes the considerable positive public outcomes achieved using general fund allocations during the 2017-2018 biennium and fiscal year 2019-2020 to educate, train, and facilitate health care professionals to work in underserved areas. Currently, the loan repayment program supports twenty-eight health care professionals in Hawaii.

The purpose of this Act is to appropriate funds to the department of health to fund the Hawaii state loan repayment program administered through the John A. Burns school of medicine of the University of Hawaii at Manoa to provide loan repayment for health care professionals who agree to work in a federally-designated health professional shortage area.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the Hawaii state loan repayment program administered through the John A. Burns school of medicine of the University of Hawaii at Manoa; provided that no funds shall be released unless matched on a dollar-for-dollar basis by funds from a private or another public source.

The sum appropriated shall be expended by the department of health in coordination with the John A. Burns school of medicine of the University of Hawaii at Manoa for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 7, 2022.)

ACT 264

H.B. NO. 2026

A Bill for an Act Relating to Chapter 92, Hawaii Revised Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that part I of chapter 92, Hawaii Revised States, the State's sunshine law, provides critical assurances to the public that decisionmaking by formal decisionmaking bodies in Hawaii is transparent and includes the opportunity for public input. Meaningful engagement with a board by the public assists with the formation and conduct of public policy

and helps with decisionmaking that is in the best interest of the public. However, as with every law, there is an opportunity to improve the understanding and compliance of the law as it operates in practice. The legislature also finds that understanding and compliance can be strengthened through the addition of clear definitions of “board business” and “informal gatherings”, as established by an office of information practices opinion, with editorial amendments for consistency throughout the law.

The legislature further finds that, in order for the public to provide meaningful written and oral testimony at a board meeting, the public must be allowed to review and inspect the same material provided to the boards in a timely manner, and before testimony deadlines. Therefore, the legislature finds it necessary to define the time period required in advance of public meetings at which board packets must be provided to the public.

Accordingly, the purpose of this Act is to strengthen understanding of, and public participation in, the administrative proceedings and process of boards.

SECTION 2. Section 92-2, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

““Board business” means specific matters over which a board has supervision, control, jurisdiction, or advisory power, that are actually pending before the board, or that can be reasonably anticipated to arise before the board in the foreseeable future.

“Informal gathering” means a social or informal assemblage of two or more board members at which matters relating to board business are not discussed.”

2. By deleting the definition of “chance meeting”.

~~[““Chance meeting” means a social or informal assemblage of two or more members at which matters relating to official business are not discussed.”]~~

SECTION 3. Section 92-2.5, Hawaii Revised Statutes, is amended to read as follows:

“§92-2.5 Permitted interactions of members. (a) Two members of a board may discuss between themselves matters relating to [~~official~~] board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.

(b) Two or more members of a board, but less than the number of members [~~which~~] that would constitute a quorum for the board, may be assigned to:

- (1) Investigate a matter relating to [~~the official~~] board business [~~of their board~~]; provided that:
 - (A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board;
 - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
 - (C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board;
- or

- (2) Present, discuss, or negotiate any position [~~which~~] that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board [~~prior to~~] before the presentation, discussion, or negotiation.
- (c) Discussions between two or more members of a board, but less than the number of members [~~which~~] that would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.
- (d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:
- (1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;
 - (2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and
 - (3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:
 - (A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and
 - (B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.
- (e) Two or more members of a board, but less than the number of members [~~which~~] that would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to [~~official~~] board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; [~~and~~] provided further that no commitment relating to a vote on the matter is made or sought.
- At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to [~~official~~] board business at the informational meeting or presentation.
- (f) Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.
- (g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.
- (h) Where notice of the deadline to submit testimony to the legislature is less than the notice requirements in this section, a board may circulate for approval a statement regarding a position previously adopted by the board; provided that the position previously adopted by the board, the statement to be submitted as testimony, and communications among board members about

the statement, including drafts, shall be in writing and accessible to the public, within forty-eight hours of the statement's circulation to the board, on the board's website, or, if the board does not have a website, on an appropriate state or county website.

~~[(h)]~~ (i) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part.”

SECTION 4. Section 92-3, Hawaii Revised Statutes, is amended to read as follows:

“**§92-3 Open meetings.** Every meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the state constitution or as closed pursuant to sections 92-4 and 92-5; provided that the removal of any person or persons who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting shall not be prohibited. The boards shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The boards shall also afford all interested persons an opportunity to present oral testimony on any agenda item[-]; provided that the oral testimonies of interested persons shall not be limited to the beginning of a board's agenda or meeting. The boards may provide for reasonable administration of oral testimony by rule.”

SECTION 5. Section 92-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In no instance shall the board make a decision or deliberate toward a decision in an executive meeting on matters not directly related to the purposes specified in subsection (a). No ~~[chance meeting;]~~ informal gathering, permitted interaction, or electronic communication shall be used to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.”

SECTION 6. Section 92-7.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§92-7.5]]~~ **Board packet; filing; public inspection; notice.** At the time the board packet is distributed to the board members, but no later than forty-eight hours before the meeting time, the board shall also make the board packet available for public inspection in the board's office[-]; provided that nothing in this section shall require creation of a board packet. The board shall provide notice to persons requesting notification of meetings pursuant to section 92-7(e) that the board packet is available for inspection in the board's office and shall provide reasonably prompt access to the board packet to any person upon request. The board is not required to mail board packets. As soon as practicable, the board shall accommodate requests for electronic access to the board packet.

For purposes of this section, “board packet” means documents that are compiled by the board and distributed to board members before a meeting for use at that meeting, to the extent the documents are public under chapter 92F; provided that this section shall not require disclosure of executive session minutes, license applications, or other records for which the board cannot reasonably complete its redaction of nonpublic information in the time available before the public inspection required by this section.”

SECTION 7. Section 279D-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Participation by members of any other board in a meeting of a policy board shall be a permitted interaction as provided in section [92-2.5(h)-] 92-2.5(i).”

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 265

H.B. NO. 1540

A Bill for an Act Relating to State Bonds.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Declaration of findings with respect to the general obligation bonds authorized by this Act. Pursuant to article VII, section 13, of the state constitution, which states: “Effective July 1, 1980, the legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance”, the legislature finds and declares as follows:

- (1) Limitation on general obligation debt. The debt limit of the State is set forth in article VII, section 13, of the state constitution, which states in part: “General obligation bonds may be issued by the State; provided that such bonds at the time of issuance would not cause the total amount of principal and interest payable in the current or any future fiscal year, whichever is higher, on such bonds and on all outstanding general obligation bonds to exceed: a sum equal to twenty percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance until June 30, 1982; and thereafter, a sum equal to eighteen and one-half percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance.” Article VII, section 13, of the state constitution also provides that in determining the power of the State to issue general obligation bonds, certain bonds are excludable, including “reimbursable general obligation bonds issued for a public undertaking, improvement or system but only to the extent that reimbursements to the general fund are in fact made from the net revenue, or net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year” and bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor, but only to the extent the principal amount of those bonds does not exceed seven per cent of the principal amount of outstanding general obligation bonds not otherwise excluded under said article VII, section 13, of the state constitution.
- (2) Actual and estimated debt limits. The limit on principal and interest of general obligation bonds issued by the State, actual for fiscal year 2021-2022 and estimated for each fiscal year from 2022-2023 to 2024-2025, is as follows:

<u>Fiscal Year</u>	<u>Net General Fund Revenues</u>	<u>Debt Limit</u>
2018-2019	\$7,910,649,595	
2019-2020	7,631,208,089	
2020-2021	8,249,554,335	
2021-2022	9,526,366,000	\$1,467,137,075
2022-2023	10,057,426,000	1,566,772,919
2023-2024	10,528,025,000	1,716,389,691
2024-2025	(not applicable)	1,856,895,382

For fiscal years 2021-2022, 2022-2023, 2023-2024, and 2024-2025, respectively, the debt limit is derived by multiplying the average of the net general fund revenues for the three preceding fiscal years by eighteen and one-half per cent. The net general fund revenues for fiscal years 2018-2019, 2019-2020, and 2020-2021 are actual, as certified by the director of finance in the Statement of the Debt Limit of the State of Hawaii as of July 1, 2021, dated November 18, 2021. The net general fund revenues for fiscal years 2021-2022 to 2023-2024 are estimates, based on general fund revenue estimates made as of March 10, 2022, by the council on revenues, the body assigned by article VII, section 7, of the state constitution to make such estimates, and based on estimates made by the department of budget and finance of those receipts that cannot be included as general fund revenues for the purpose of calculating the debt limit, all of which estimates the legislature finds to be reasonable.

- (3) Principal and interest on outstanding bonds applicable to the debt limit.
 - (A) According to the department of budget and finance, the total amount of principal and interest on outstanding general obligation bonds, after the exclusions permitted by article VII, section 13, of the state constitution, for determining the power of the State to issue general obligation bonds within the debt limit as of April 1, 2022, is as follows for fiscal year 2022-2023 to fiscal year 2028-2029:

<u>Fiscal Year</u>	<u>Principal and Interest</u>
2022-2023	\$961,807,272
2023-2024	947,275,975
2024-2025	906,779,067
2025-2026	910,349,924
2026-2027	754,861,768
2027-2028	728,500,735
2028-2029	697,424,189

The department of budget and finance further reports that the amount of principal and interest on outstanding bonds applicable to the debt limit generally continues to decline each year from fiscal year 2029-2030 to fiscal year 2041-2042 when the final installment of \$56,940,537 shall be due and payable.

- (B) The department of budget and finance further reports that the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is \$233,500,000, all or part of which is excludable in determining the power of the State to

- issue general obligation bonds, pursuant to article VII, section 13, of the state constitution.
- (4) Amount of authorized and unissued general obligation bonds and guaranties and proposed bonds and guaranties.
- (A) As calculated from the state comptroller's bond fund report as of February 28, 2022, adjusted for:
- (i) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in Act 88, Session Laws of Hawaii 2021 (the General Appropriations Act of 2021), to be expended in fiscal year 2022-2023, adjusted for additional appropriations provided in House Bill No. 1600, H.D. 1, S.D. 2, C.D. 1¹ (the Supplemental Appropriations Act of 2022);
 - (ii) Lapses as provided in House Bill No. 1600, H.D. 1, S.D. 2, C.D. 1¹ (the Supplemental Appropriations Act of 2022);
 - (iii) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in Act 127, Session Laws of Hawaii 2021 (the Judiciary Appropriations Act of 2021) to be expended in fiscal year 2022-2023, adjusted for additional appropriations provided in House Bill No. 1536, H.D. 2, S.D. 2, C.D. 1² (the Judiciary Supplemental Appropriations Act of 2022);
 - (iv) Lapses as provided in House Bill No. 1536, H.D. 2, S.D. 2, C.D. 1² (the Judiciary Supplemental Appropriations Act of 2022);
 - (v) Lapses as provided in Senate Bill No. 3334, S.D. 2, H.D. 1, C.D. 1³ (Relating to Government Operations); and
 - (vi) Appropriations to be funded by general obligation bonds as provided in House Bill No. 2240, H.D. 1, S.D. 2, C.D. 1⁴ (Relating to Other Post-Employment Benefits);
- the total amount of authorized but unissued general obligation bonds is \$3,387,596,129. The total amount of general obligation bonds authorized in this Act is \$1,668,715,000. The total amount of general obligation bonds previously authorized and unissued, as adjusted, and the general obligation bonds authorized in this Act is \$5,056,311,129.
- (B) As reported by the department of budget and finance the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is \$233,500,000, all or part of which is excludable in determining the power of the State to issue general obligation bonds, pursuant to article VII, section 13, of the state constitution.
- (5) Proposed general obligation bond issuance. As reported therein for the fiscal years 2021-2022, 2022-2023, 2023-2024, and 2024-2025, the State proposes to issue \$685,000,000 in general obligation bonds during the second half of fiscal year 2021-2022, \$685,000,000 in general obligation bonds semiannually during fiscal years 2022-2023 and 2023-2024, and \$835,000,000 in general obligation bonds semiannually during fiscal year 2024-2025. The State anticipates issuing a combination of twenty-year serial bonds with principal repayments beginning the third year and ten-year serial bonds with principal repayments beginning the first year, payable in substantially equal annual installments of principal and interest payment

with interest payments commencing six months from the date of issuance and being paid semi-annually thereafter. It is assumed that this practice will continue to be applied to the bonds that are proposed to be issued.

- (6) Sufficiency of proposed general obligation bond issuance to meet the requirements of authorized and unissued bonds, as adjusted, and bonds authorized by this Act. From the schedule reported in paragraph (5), the total amount of general obligation bonds that the State proposes to issue during the fiscal years 2021-2022 to 2023-2024 is \$3,425,000,000. An additional \$1,670,000,000 is proposed to be issued in fiscal year 2024-2025. The total amount of \$5,095,000,000 that is proposed to be issued through fiscal year 2024-2025 is sufficient to meet the requirements of the authorized and unissued bonds, as adjusted, the total amount of which is \$5,056,311,129 reported in paragraph (4), except for \$1,631,311,129. It is assumed that the appropriations to which an additional \$1,631,311,129 in bond issuance needs to be applied will have been encumbered as of June 30, 2024. The \$1,670,000,000 that is proposed to be issued in fiscal year 2024-2025 will be sufficient to meet the requirements of the June 30, 2024, encumbrances in the amount of \$1,631,311,129. The amount of assumed encumbrances as of June 30, 2024, is reasonable and conservative, based upon an inspection of June 30 encumbrances of the general obligation bond fund as reported by the state comptroller. Thus, taking into account the amount of authorized and unissued bonds, as adjusted, and the bonds authorized by this Act versus the amount of bonds proposed to be issued by June 30, 2024, and the amount of June 30, 2024, encumbrances versus the amount of bonds proposed to be issued in fiscal year 2024-2025, the legislature finds that in the aggregate, the amount of bonds proposed to be issued is sufficient to meet the requirements of all authorized and unissued bonds and the bonds authorized by this Act.
- (7) Bonds excludable in determining the power of the State to issue bonds. As noted in paragraph (1), certain bonds are excludable in determining the power of the State to issue general obligation bonds.
 - (A) General obligation reimbursable bonds can be excluded under certain conditions. It is not possible to make a conclusive determination as to the amount of reimbursable bonds which are excludable from the amount of each proposed bond issued because:
 - (i) It is not known exactly when projects for which reimbursable bonds have been authorized in prior acts and in this Act will be implemented and will require the application of proceeds from a particular bond issue; and
 - (ii) Not all reimbursable general obligation bonds may qualify for exclusion.

However, the legislature notes that with respect to the principal and interest on outstanding general obligation bonds, according to the department of budget and finance, the average proportion of principal and interest that is excludable each year from the calculation against the debt limit is 0.54 per cent for approximately ten years from fiscal year 2021-2022 to fiscal year 2030-2031. For the purpose of this declaration, the assumption is made that 0.50 per cent of each bond issue will be

excludable from the debt limit, an assumption that the legislature finds to be reasonable and conservative.

- (B) Bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor can be excluded, but only to the extent the principal amount of those guaranties does not exceed seven per cent of the principal amount of outstanding general obligation bonds not otherwise excluded under subparagraph (A) of this paragraph; provided that the State shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State as provided by law. According to the department of budget and finance and the assumptions presented herein, the total principal amount of outstanding general obligation bonds and general obligation bonds proposed to be issued, which are not otherwise excluded under article VII, section 13, of the state constitution for the fiscal years 2021-2022, 2022-2023, 2023-2024, and 2024-2025 are as follows:

<u>Fiscal Year</u>	<u>Total amount of General Obligation Bonds not otherwise excluded by Article VII, Section 13 of the State Constitution</u>
2021-2022	9,386,078,064
2022-2023	10,749,228,064
2023-2024	12,112,378,064
2024-2025	13,774,028,064

Based on the foregoing and based on the assumption that the full amount of a guaranty is immediately due and payable when such guaranty changes from a contingent liability to an actual liability, the aggregate principal amount of the portion of the outstanding guaranties and the guaranties proposed to be incurred, which does not exceed seven per cent of the average amount set forth in the last column of the above table and for which reserve funds have been or will have been established as heretofore provided, can be excluded in determining the power of the State to issue general obligation bonds. As it is not possible to predict with a reasonable degree of certainty when a guaranty will change from a contingent liability to an actual liability, it is assumed in conformity with fiscal conservatism and prudence, that all guaranties not otherwise excluded pursuant to article VII, section 13, of the state constitution will become due and payable in the same fiscal year in which the greatest amount of principal and interest on general obligation bonds, after exclusions, occurs. Thus, based on such assumptions and on the determination in paragraph (8), all of the outstanding guaranties can be excluded.

- (8) Determination whether the debt limit will be exceeded at the time of issuance. From the foregoing and on the assumption that all of the bonds identified in paragraph (5) will be issued at an interest rate not to exceed 5.75 per cent in fiscal years 2022 through 2025, it can be determined from the following schedule that the bonds that are proposed to be issued, which include all authorized and unissued bonds previously authorized, as adjusted, general obligation bonds,

and instruments of indebtedness under which the State incurs a contingent liability as a guarantor authorized in this Act, will not cause the debt limit to be exceeded at the time of such issuance:

Time of Issuance and Amount to be Counted Against Debt Limit	Debt Limit at Time of Issuance	Greatest Amount and Year of Highest Principal and Interest on Bonds and Guaranties
2nd half FY 2021-2022 \$681,575,000	1,467,137,075	1,027,837,482 (2022-2023)
1st half FY 2022-2023 \$681,575,000	1,566,772,919	1,072,819,265 (2023-2024)
2nd half FY 2022-2023 \$681,575,000	1,566,772,919	1,136,200,503 (2025-2026)
1st half FY 2023-2024 \$681,575,000	1,716,389,691	1,195,681,640 (2025-2026)
2nd half FY 2023-2024 \$681,575,000	1,716,389,691	1,255,799,015 (2025-2026)
1st half FY 2024-2025 \$830,825,000	1,856,895,382	1,328,343,184 (2025-2026)
2nd half FY 2024-2025 \$830,825,000	1,856,895,382	1,401,620,621 (2025-2026)

- (9) Overall and concluding finding. From the facts, estimates, and assumptions stated in this declaration of findings, the conclusion is reached that the total amount of principal and interest estimated for the general obligation bonds authorized in this Act, and for all bonds authorized and unissued, and calculated for all bonds issued and outstanding, and all guaranties, will not cause the debt limit to be exceeded at the time of issuance.

SECTION 2. The legislature finds the bases for the declaration of findings set forth in this Act are reasonable. The assumptions set forth in this Act with respect to the principal amount of general obligation bonds that will be issued, the amount of principal and interest on reimbursable general obligation bonds that are assumed to be excludable, and the assumed maturity structure shall not be deemed to be binding, it being the understanding of the legislature that such matters must remain subject to substantial flexibility.

SECTION 3. Authorization for issuance of general obligation bonds. General obligation bonds may be issued as provided by law in an amount that may be necessary to finance projects authorized in House Bill No. 1600, H.D. 1, S.D. 2, C.D. 1¹ (the Supplemental Appropriations Act of 2022); House Bill No. 1536, H.D. 2, S.D. 2, C.D. 1² (the Judiciary Supplemental Appropriations Act of 2022); and House Bill No. 2240, H.D. 1, S.D. 2, C.D. 1⁴ (Relating to Other Post-Employment Benefits); passed by the legislature during this regular session of 2022 and designated to be financed from the general obligation bond fund and from the general obligation bond fund with debt service cost to be paid from special funds; provided that the sum total of general obligation bonds so issued shall not exceed \$1,668,715,000.

Any law to the contrary notwithstanding, general obligation bonds may be issued from time to time in accordance with section 39-16, Hawaii Revised Statutes, in such principal amount as may be required to refund any general

obligation bonds of the State of Hawaii heretofore or hereafter issued pursuant to law.

SECTION 4. The provisions of this Act are declared to be severable and if any portion thereof is held to be invalid for any reason, the validity of the remainder of this Act shall not be affected.

SECTION 5. In printing this Act, the revisor of statutes shall substitute in section 1 and section 3 the corresponding act numbers for bills identified therein.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

Notes

- 1. Act 248.
- 2. Act 194.
- 3. Act 220.
- 3. Act 247.

ACT 266

H.B. NO. 2098

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There is appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (10):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$1,874,493	\$3,723,372
Federal funds	\$24,472	\$33,641
Other federal funds	\$10,409	\$12,757

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$30,000	\$39,096
Federal funds	\$1,077	\$4,197

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There is appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof

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as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (10):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$49,000	\$85,573

SECTION 4. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There is appropriated from the source of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (10):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$49,000	\$85,573

SECTION 6. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There is appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (10):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$2,000	\$3,288

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There is appropriated or authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (10) who is assigned to the Hawaii health systems corporation:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$738,505	\$1,311,719

SECTION 10. Funds appropriated or authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There is appropriated or authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (10):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$14,482	\$15,409

SECTION 12. Funds appropriated or authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 14. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 15. This Act shall take effect upon its approval.
(Approved July 8, 2022.)

ACT 267

S.B. NO. 2782

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (1):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$3,403,026	\$4,861,488
Special funds	\$1,194,353	\$1,861,865
Federal funds	\$806,290	\$1,119,986
Other federal funds	\$28,323	\$39,591
Trust funds	\$1,077	\$1,808
Interdepartmental transfers	\$8,852	\$17,197
Revolving funds	\$28,476	\$44,487

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$1,459,370	\$1,741,953
Special funds	\$1,077	\$1,645
Federal funds	\$659,220	\$889,331
Trust funds	\$348	\$49

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There is appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (1):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$102,500	\$123,628

SECTION 4. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (1):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$20,721	\$330,879
Special funds	\$9,216	12,042
Federal funds	\$0	\$93
Other federal funds	\$987	\$1,116
Trust funds	\$0	\$5

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$0	\$306,581
Special funds	\$0	\$462
Federal funds	\$0	\$93
Trust funds	\$0	\$5

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated or authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (1) who is assigned to the Hawaii health systems corporation:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$406,633	\$600,118

SECTION 8. Funds appropriated or authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There is appropriated or authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (1):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$26,330	\$31,117

SECTION 10. Funds appropriated or authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 12. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 13. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 268

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$268,840	\$1,005,044
Special funds	\$77,113	\$315,227
Federal funds	\$5,339	\$21,587
Revolving funds	\$8,146	\$31,886

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$148,084	\$529,865
Special funds	-0-	\$92
Federal funds	\$587	\$2,677

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$699	\$2,311

SECTION 4. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (2):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$178	\$606
Special funds	\$739	\$2,521

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There is authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2) who is assigned to the Hawaii health systems corporation:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$13,514	\$54,288

SECTION 8. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 10. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 11. This Act shall take effect upon its approval.
(Approved July 8, 2022.)

ACT 269

S.B. NO. 2784

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$8,228,826	\$9,490,965
Special funds	\$844,221	\$1,101,551
Federal funds	\$719,841	\$854,175
Other federal funds	\$148,964	\$174,362
Trust Funds	\$42,172	\$46,758
Interdepartmental transfers	\$26,320	\$33,680
Revolving funds	\$107,774	\$120,703
Other funds	\$25,130	\$30,373
American Rescue Plan funds	\$1,077	\$1,458
Special fund CIP	\$5,026	\$7,466

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$4,539,255	\$4,268,326
Special funds	\$5,863	\$6,030
Federal funds	\$58,447	\$68,093
Other federal funds	-0-	\$22
Trust funds	\$8,792	\$10,031
Interdepartmental transfers	-0-	\$276
Revolving funds	\$11,783	\$12,474

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$666,000	\$851,768
Special funds	\$27,276	\$35,466

SECTION 4. Funds appropriated or authorized by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$677,386	\$1,118,524
Special funds	\$96,507	\$140,092
Federal funds	\$35,741	\$47,657
Other federal funds	\$3,107	\$3,323
Trust Funds	\$1,077	\$1,945
Interdepartmental transfers	\$3,470	\$4,325
Revolving funds	\$13,103	\$16,160
Other funds	\$4,546	\$6,894
American Rescue Plan funds	\$1,317	\$2,592

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$136,492	\$432,832
Special funds	-0-	\$340
Federal funds	\$2,153	\$4,073
Other federal funds	-0-	\$27
Trust Funds	-0-	\$23

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$41,475	\$64,642

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There is authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3) who is assigned to the Hawaii health systems corporation:

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	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$451,085	\$579,693

SECTION 10. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There is authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$30,384	\$35,922

SECTION 12. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 14. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

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

(Approved July 8, 2022.)

ACT 270

S.B. NO. 2785

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated and authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$324,609	\$1,208,708
Special funds	\$57,536	\$227,026
Federal funds	\$24,905	\$93,695
Other federal funds	\$1,676	\$5,829
Trust funds	\$1,175	\$4,565
Revolving funds	\$2,591	\$11,442
Other funds	\$712	\$2,555

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$153,414	\$544,191
Special funds	-0-	\$271
Federal funds	-0-	\$2,077
Trust funds	-0-	\$55
Revolving funds	\$937	\$5,449

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated and authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$31,360	\$118,291
Special funds	\$1,670	\$5,735

SECTION 4. Funds appropriated or authorized by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (4):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$7,333	\$27,749
Special funds	\$3,654	\$13,390
Revolving funds	\$708	\$2,952

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SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There is authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4) who is assigned to the Hawaii health systems corporation:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$10,935	\$43,177

SECTION 8. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 10. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 11. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 271

S.B. NO. 2787

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (6):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$1,350,473	\$4,807,832
Special funds	\$27,977	\$105,902
Federal funds	\$1,226	\$4,369
Other funds	\$3,496	\$13,572

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (6):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$196,440	\$731,209
Federal funds	\$12,835	\$48,342

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 6. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 7. This Act shall take effect upon its approval.
(Approved July 8, 2022.)

ACT 272

S.B. NO. 2788

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (7):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$3,523,796	\$12,429,154
Special funds	\$47,643	\$193,690
Federal funds	\$64,368	\$227,467
Other federal funds	\$476	\$2,054
Revolving funds	\$6,051	\$21,570

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (7):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$501,915	\$1,886,384
Special funds	\$88,220	\$330,379
Federal funds	\$2,849	\$10,597
Other federal funds	\$2,277	\$8,469
Revolving funds	\$279	\$1,036

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 6. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 273

S.B. NO. 2789

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the fol-

lowing sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (8):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$1,414,054	\$5,206,873
Special funds	\$120,694	\$462,170
Federal funds	\$1,509	\$5,694
Other funds	\$14,340	\$51,708

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (8):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$94,201	\$358,046
Special funds	\$4,749	\$17,036

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 6. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 274

S.B. NO. 2790

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the fol-

lowing sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$663,530	\$3,221,686
Special funds	\$4,684	\$17,735
Federal funds	\$10,950	\$37,498
Other funds	\$19,650	\$86,104
Revolving funds	\$7,753	\$45,688

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$2,575	\$7,474

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There is appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$5,093	\$22,595

SECTION 4. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There is appropriated from the source of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$15,870	\$97,066

SECTION 6. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There is appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes,

by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$2,399	\$7,681

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There is appropriated or authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9) who is assigned to the Hawaii health systems corporation:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$962,259	\$4,654,014

SECTION 10. Funds appropriated or authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There is appropriated or authorized from the source of funding indicated below to the Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$25,759	\$120,415

SECTION 12. Funds appropriated or authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 14. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

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

(Approved July 8, 2022.)

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (11):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$17,129	\$325,793
Special funds	\$63,853	\$1,232,362

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (11):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$2,755	\$29,861
Special funds	\$9,446	\$102,987

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 6. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 276

S.B. NO. 2794

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$1,634,940	\$13,045,838
Special funds	\$479,544	\$3,138,322
Federal funds	\$328,549	\$2,358,216
Other federal funds	\$80,664	\$529,507
Trust funds	\$32,279	\$154,329
Interdepartmental transfers	\$9,036	\$49,421
Revolving funds	\$84,207	\$364,885
Other funds	\$11,325	\$238,873
American Rescue Plan funds	\$28,532	\$29,407
Special fund CIP	\$8,184	\$51,874

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$128,522	\$2,857,412
Special funds	-0-	\$3,587
Federal funds	-0-	\$71,599
Other federal funds	-0-	\$17
Trust funds	-0-	\$7,131
Revolving funds	-0-	\$11,238

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$95,723	\$1,394,779
Special funds	\$6,996	\$29,441

SECTION 4. Funds appropriated or authorized by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$1,773,021	\$3,611,276
Special funds	\$423,295	\$795,479
Federal funds	\$99,482	\$211,773
Other federal funds	\$25,854	\$69,914
Trust funds	\$21,306	\$30,497
Interdepartmental transfers	\$162,468	\$259,601
Revolving funds	\$30,726	\$45,355
Other funds	\$39,488	\$51,973
American Rescue Plan funds	\$19,736	\$19,810
Special fund CIP	\$2,152	\$1,982

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$67,514	\$231,923
Federal funds	\$6,803	\$14,970

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated or authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$111,467	\$378,627
Special funds	\$3,587	\$6,260

SECTION 8. Funds appropriated or authorized by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There is authorized from the source of funding indicated below to the Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13) who is assigned to the Hawaii health systems corporation:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$103,612	\$702,803

SECTION 10. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There is authorized from the source of funding indicated below to the Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
Special funds	\$77,735	\$175,830

SECTION 12. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. There is appropriated from the general revenues of the State of Hawaii to the senate, house of representatives, and legislative agencies indicated below, the following sums or so much thereof as may be necessary for fiscal biennium 2021-2023, to fund cost adjustments for legislative officers and employees who are excluded from collective bargaining:

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
State ethics commission	-0-	\$26,372.50
Office of the auditor	-0-	\$65,428.06
Office of the legislative reference bureau	-0-	\$96,889.22
Office of the ombudsman	-0-	\$30,616.37
Senate	-0-	\$304,460.00
House of representatives	-0-	\$298,343.00

SECTION 14. Funds appropriated by this part shall be allotted to the heads of the respective chambers or legislative agencies for expenditure for the purposes of this part.

ACT 277

SECTION 15. Cost adjustments provided in this part for any legislative officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

PART VIII

SECTION 16. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 17. The fiscal year 2021-2022 appropriations or authorizations under this part shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this part that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 18. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 277

S.B. NO. 2795

A Bill for an Act Relating to Public Employment Cost Items.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (14):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	\$72,460	\$1,689,227
Special funds	\$1,317	\$103,453
Interdepartmental transfers	\$14,002	\$264,369

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sum or so much thereof as may be necessary to fund for fiscal biennium 2021-2023 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (14):

	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>
General funds	-0-	\$58,290

SECTION 4. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 6. The fiscal year 2021-2022 appropriations or authorizations under this Act shall not lapse until the end of fiscal biennium 2021-2023; provided that funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2023, shall lapse as of that date.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 8, 2022.)

ACT 278

H.B. NO. 2171

A Bill for an Act Relating to Public Safety.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The purpose of this Act is to:

- (1) Establish a new department of law enforcement to consolidate and administer the criminal law enforcement and investigations functions of the department of transportation, certain investigations functions of the department of the attorney general, functions of the office of homeland security, and current law enforcement and investigations functions of the department of public safety;
- (2) Rename the department of public safety as the department of corrections and rehabilitation, which will administer the corrections, rehabilitation, reentry, and related functions currently assigned to the department of public safety;
- (3) Establish a training center within the department of law enforcement;
- (4) Transfer employees, appropriations, records, equipment, leases, contracts, other documents, rules, policies, procedures, guidelines, and other material, as appropriate, to the respective departments; and
- (5) Establish positions for the department of law enforcement and the department of corrections and rehabilitation, and appropriate funds for the department of law enforcement.

Currently, corrections and certain law enforcement functions and activities are placed within the department of public safety. The legislature finds that the goals and functions of corrections and law enforcement are different and distinct and separating the functions of corrections and law enforcement from the department of public safety into two departments would best accomplish the discrete goals and objectives of both functions.

The legislature further finds that state law enforcement personnel and functions are currently spread across various departments. The department of public safety, department of transportation, and department of the attorney general all have independent law enforcement officers and different law enforcement duties. Because each department administers its own law enforcement duties, goals, and functions, training and operational standards differ between each department. Accordingly, the reorganization of certain state law enforcement functions into a single entity would provide the highest level of law enforcement service for the public, state employees, and state properties. Consolidation of state law enforcement responsibilities into a single state department will centralize state law enforcement functions to increase public safety, improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, and provide uniform training and standards.

The goals of the department of law enforcement would include:

- (1) Establishing a partnership with the federal Joint Terrorism Task Force to protect the State from domestic and foreign threats;
- (2) Eliminating the narcotics epidemic that plagues Hawaii's communities through its commitment of investigators in the federal High Intensity Drug Trafficking Area task forces;
- (3) Expanding the narcotics canine program; and
- (4) Reducing gun violence and other violent criminal acts in island communities through participation in the federal Project Safe Neighborhoods program.

This Act also establishes a training center within the department of law enforcement to provide its law enforcement entities the highest level of core and continuing education and training. The training center will also be made available to federal, state, and county law enforcement agencies upon their request. The development of a department of law enforcement training center, where all department of law enforcement officers who intend to work on any island of Hawaii must be certified, will ensure that all department of law enforcement officers meet the standards set by the law enforcement standards board established in chapter 139, Hawaii Revised Statutes. The center will also ensure that the individuals who earn its certification have learned the highest level of core and continuing education and training. The center's curriculum will be designed to ensure that the individuals trained here have the knowledge and skills to protect and serve the public and will be held accountable if they do not uphold the standards set by the law enforcement standards board.

The legislature also finds that consolidating adult corrections, reentry services, and other related functions into a separate department of corrections and rehabilitation will allow for the efficient use of resources in administering correctional programs and administering and maintaining public and private correctional services. The Hawaii correctional industries, Hawaii paroling authority, and crime victim compensation commission will be administered by the department of corrections and rehabilitation.

The legislature intends that patrol officers assigned to the department of law enforcement continue to retain the title of deputy sheriffs. During the Kingdom of Hawaii, sheriffs oversaw law enforcement activities on each island under the supervision of a kingdom-wide marshal. From 1905 to 1960, sheriffs protected the public as elected county officials, including Duke Kahanamoku, who was elected Honolulu sheriff from 1934 to 1960. Modern-day deputy sheriffs have protected the people of Hawaii for nearly fifty years, beginning in 1963 when the legislature created the office of the sheriff within the department of the attorney general.

The legislature does not intend to impair or diminish the longstanding authority and responsibility of county police departments to enforce the laws, along with state law enforcement, on state lands within their respective counties. County police departments will continue to have full law enforcement authority and responsibility, and in particular will continue to have concurrent jurisdiction with respect to state parks, state buildings, state highways, Hawaiian home lands, and other state lands and facilities.

Part II of this Act is to be effective upon approval of this Act. Part II establishes a department of law enforcement and its director and deputy directors. The department of law enforcement will initially be staffed by its director, deputy directors, and certain administrative staff. These personnel will prepare for the transfer of state law enforcement functions and personnel to the department on January 1, 2024.

Part III of this Act is to be effective on January 1, 2024. Part III transfers the law enforcement functions and personnel from the department of public safety to the department of law enforcement and makes conforming amendments.

Part IV of this Act is to be effective on January 1, 2024. Part IV renames the department of public safety as the department of corrections and rehabilitation and the director of public safety as the director of corrections and rehabilitation, establishes its deputy directors, and makes conforming amendments so that the authority and responsibilities of the department of corrections and rehabilitation are set forth in chapter 353, Hawaii Revised Statutes, while the authority and responsibilities of the department of law enforcement are set forth in chapter 353C, Hawaii Revised Statutes.

Part V of this Act is to be effective on January 1, 2024. Part V transfers the law enforcement and security functions and personnel of the harbors division of the department of transportation, the non-statutorily mandated functions and law enforcement personnel of the investigations division of the department of the attorney general, and the office of homeland security of the department of defense to the department of law enforcement.

Part VI of this Act provides for the retention of civil service status and related rights of transferred employees and transfers any appropriations, equipment, contracts, leases, policies, rules, guidelines, and other items to the respective departments as provided in this Act.

Part VII of this Act is to be effective on July 1, 2022. Part VII establishes new positions within the department of law enforcement that are required for the department's operations. These positions include the director of law enforcement, deputy directors, and certain administrative positions that will staff the department, as well as new positions that will be required when parts III and V take effect on January 1, 2024. Part VII also appropriates funds to the department of law enforcement to fill certain positions that will be required to prepare the department for the transfer of functions, personnel, and assets from other departments on January 1, 2024. Part VII further requires the department of law enforcement to report to the legislature, no later than twenty days prior to the convening of the regular session of 2023, the progress made in preparing for the transfer of law enforcement functions to the department on January 1, 2024.

Part VIII of this Act is to be effective on January 1, 2024. Part VIII establishes new positions within the department of corrections and rehabilitation that will be required for the operation of the department when parts III and IV take effect on January 1, 2024.

PART II

SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§26- Department of law enforcement. (a) The department of law enforcement shall be headed by a single executive to be known as the director of law enforcement.

(b) The director of law enforcement shall appoint, without regard to chapter 76, two deputy directors to serve at the director’s pleasure. Unless otherwise assigned by the director, one deputy director shall oversee the law enforcement programs of the department of law enforcement and one deputy director shall oversee administration of the department of law enforcement.

(c) The department of law enforcement shall be responsible for the formulation and implementation of state policies and objectives for security, law enforcement, and public safety programs and functions, for the service of process, and for the security of state buildings and state land.”

SECTION 3. Section 26-4, Hawaii Revised Statutes, is amended to read as follows:

“§26-4 Structure of government. Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments that are hereby established:

- (1) Department of human resources development (Section 26-5);
- (2) Department of accounting and general services (Section 26-6);
- (3) Department of the attorney general (Section 26-7);
- (4) Department of budget and finance (Section 26-8);
- (5) Department of commerce and consumer affairs (Section 26-9);
- (6) Department of taxation (Section 26-10);
- (7) University of Hawaii (Section 26-11);
- (8) Department of education (Section 26-12);
- (9) Department of health (Section 26-13);
- (10) Department of human services (Section 26-14);
- (11) Department of land and natural resources (Section 26-15);
- (12) Department of agriculture (Section 26-16);
- (13) Department of Hawaiian home lands (Section 26-17);
- (14) Department of business, economic development, and tourism (Section 26-18);
- (15) Department of transportation (Section 26-19);
- (16) Department of labor and industrial relations (Section 26-20);
- (17) Department of defense (Section 26-21);
- (18) Department of public safety (Section 26-14.6)[-]; and
- (19) Department of law enforcement (Section 26-)”

SECTION 4. Section 26-52, Hawaii Revised Statutes, is amended to read as follows:

“§26-52 Department heads and executive officers. The salaries of the following state officers shall be as follows:

- (1) The salary of the superintendent of education shall be set by the board of education at a rate no greater than \$250,000 a year. The superintendent shall be subject to an annual performance evaluation that is in alignment with other employee evaluations within the department of education and are based on outcomes determined

- by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance;
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents;
 - (3) Effective July 1, 2004, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, business, economic development, and tourism, commerce and consumer affairs, Hawaiian home lands, health, human resources development, human services, labor and industrial relations, land and natural resources, law enforcement, public safety, taxation, and transportation shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature; and
 - (4) The salary of the adjutant general shall be \$85,302 a year. Effective July 1, 2007, and every six years thereafter, the salary of the adjutant general shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature, except that if the state salary is in conflict with the pay and allowance fixed by the tables of the regular Army or Air Force of the United States, the latter shall prevail.”

SECTION 5. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;
- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;

- (8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);
- (10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;
- (11)
 - (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;
 - (B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual/bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational/supportive services specialists, alternative school project coordinators, and communications aides in the department of education;
 - (C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and
 - (D) Members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;
- (12) Employees engaged in special, research, or demonstration projects approved by the governor;
- (13)
 - (A) Positions filled by inmates, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs;
 - (B) Positions filled with students in accordance with guidelines for established state employment programs; and

- (C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;
- (14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;
- (15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; two additional deputies in charge of the law enforcement programs, administration, or other functions within the department of law enforcement as may be assigned by the director of law enforcement, with the approval of the governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;
- (17) Positions specifically exempted from this part by any other law; provided that:
- (A) Any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature; and
- (B) All of the positions defined by paragraph (9) shall be included in the position classification plan;
- (18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects;
- (19) Household employees at the official residence of the president of the University of Hawaii;
- (20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;
- (21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;

- (22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;
- (23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;
- (24) The sheriff;
- (25) A gender and other fairness coordinator hired by the judiciary;
- (26) Positions in the Hawaii National Guard youth and adult education programs;
- (27) In the state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;
- (28) Administrative appeals hearing officers in the department of human services;
- (29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care services branch administrator, medical director, and clinical standards administrator;
- (30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, and security and privacy compliance analyst;
- (31) The Alzheimer's disease and related dementia services coordinator in the executive office on aging;
- (32) In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel; provided that, for state warning point personnel, the director shall determine that recruitment through normal civil service recruitment procedures would result in delay or noncompliance; and
- [(33)] The executive director and seven full-time administrative positions of the school facilities authority.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

PART III

SECTION 6. All rights, powers, functions, and duties of the employees of the sheriff division, narcotics enforcement division, internal affairs office, and the law enforcement officers within the training and staff development division of the department of public safety are transferred to the department of law enforcement. The positions of director of public safety, deputy director for administration, deputy director for corrections, and deputy director for law enforcement of the department of public safety shall become the positions of director of corrections and rehabilitation, deputy director for correctional institutions, deputy director for rehabilitation services and programs, and deputy director for administration, respectively, within the department of corrections and rehabilitation established in part IV of this Act.

SECTION 7. Chapter 353C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§353C- **Statewide law enforcement training center; law enforcement complex.** There is established within the department a department of law enforcement training center. The center shall provide training and administer certification requirements of all state department of law enforcement personnel who exercise police powers in the State, and be available for all county law enforcement agencies. Such training shall conform to uniform statewide standards set by the law enforcement standards board pursuant to chapter 139. The center shall operate and maintain such facilities as are necessary to conduct training and certification under this section. A new law enforcement complex at the Mililani technology park, Oahu, is also established, to be administered by the department of law enforcement for multi-purpose law enforcement use to consolidate and support:

- (1) The respective headquarters and administrative services of the affected functions involved;
- (2) Training; and
- (3) Related support services and facilities,

as required by law for the department of law enforcement to operate and function.”

SECTION 8. Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of “public safety investigations staff investigators” to read as follows:

““~~[Public safety]~~ Law enforcement investigations staff investigators”~~[-]~~ means those employees in the investigations staff office of the department of ~~[public safety]~~ law enforcement who have been conferred police powers by the director of ~~[public safety]~~ law enforcement in accordance with section 353C-4 and are in the positions of investigator I to VII.”

SECTION 9. Section 139-1, Hawaii Revised Statutes, is amended by amending the definition of “law enforcement officer” to read as follows:

““Law enforcement officer” means:

- (1) A police officer employed by a county police department;
- (2) ~~[A public safety officer employed by the department of public safety;]~~ An employee of the department of law enforcement conferred with police powers by the director of law enforcement; or
- (3) An employee of the department of transportation, department of land and natural resources, department of taxation, or department of the attorney general who is conferred by law with general police powers.”

SECTION 10. Chapter 353C, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**“CHAPTER 353C
[PUBLIC SAFETY] LAW ENFORCEMENT”**

SECTION 11. Section 353C-2, Hawaii Revised Statutes, is amended to read as follows:

“§353C-2 **Director of ~~[public safety;]~~ law enforcement; powers and duties.** ~~[[a)]~~ The director of ~~[public safety]~~ law enforcement shall administer the public safety programs of the department ~~[of public safety]~~ and shall be responsible for the formulation and implementation of state goals and objectives for ~~[correctional and]~~ state law enforcement programs~~[-, including ensuring that correctional facilities and correctional services meet the present and future needs of~~

~~persons committed to the correctional facilities.] and homeland security, including the deployment of adequate resources and coordination with county police departments to protect the health and safety of homestead communities on Hawaiian home lands.~~ In the administration of these programs, the director may:

- (1) Preserve the public peace, prevent crime, detect and arrest offenders against the law, protect the rights of persons and property, and enforce and prevent violation of all laws and administrative rules of the State as the director deems to be necessary or desirable or upon request, to assist other state officers or agencies that have primary administrative responsibility over specific subject matters or programs;
- (2) Train, equip, maintain, and supervise the force of ~~[public safety officers, including]~~ law enforcement ~~[and correctional personnel,]~~ officers and other employees of the department;
- (3) Serve process both in civil and criminal proceedings;
- (4) Perform other duties as may be required by law;
- (5) Adopt, pursuant to chapter 91, rules that are necessary or desirable for the administration of ~~[public safety]~~ state law enforcement programs; and
- (6) Enter into contracts ~~[in]~~ on behalf of the department and take all actions deemed necessary and appropriate for the proper and efficient administration of the department.

~~[[b)] The department of public safety shall report to the legislature not later than twenty days prior to the commencement of the 2008 regular session, and every session thereafter, with its achievements, continuing improvements, and ongoing problems in providing the appropriate mental health care to committed persons under its jurisdiction.]”~~

SECTION 12. Section 353C-3, Hawaii Revised Statutes, is amended to read as follows:

~~“[§353C-3] Deputy directors; appointment.~~ The director shall appoint, without regard to chapter 76, ~~[three]~~ two deputy directors to serve at the director’s pleasure. Unless otherwise assigned by the director, one deputy director shall oversee the ~~[correctional programs and facilities of the department, one deputy director shall oversee the]~~ law enforcement programs of the department, and one deputy director shall oversee administration of the department.”

SECTION 13. Section 353C-4, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The director may appoint employees to be ~~[public safety]~~ state law enforcement officers who shall have all of the powers of police officers; provided that the director may establish and assign the employees to positions or categories of positions that may have differing titles, specific duties, and limitations upon the exercise of police powers.”

2. By amending subsection (c) to read:

“(c) The duties of state law enforcement officers ~~[transferred from the department of the attorney general by Act 211, Session Laws of Hawaii 1989,]~~ shall ~~[be responsible for]~~ include conducting law enforcement operations and investigations throughout the State and maintaining public safety in state buildings as well as the personal protection of government officials and employees while in the conduct of their duties. The duties of state law enforcement officers shall also include the service of process, including subpoenas, warrants, and other legal documents, and other duties as the director may assign[; including

the performance of duties of other public safety officers within the department]. State law enforcement officers shall have all of the powers of police officers, including the power of arrest. This section does not relieve, nor will it diminish, county police officers of any authority or responsibility to enforce laws or to maintain public safety on state lands and in state buildings or in their respective counties.”

SECTION 14. Section 353C-5, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) The department shall develop standards to ensure the reputable and responsible characters of staff members [~~of its correctional facilities~~], which shall include criminal history record checks.

(b) For purposes of this section:

“Prospective staff member” means any applicant for a job in the department [~~of public safety that is directly involved with the treatment and care of persons committed to a facility or that requires] that involves the exercise of police powers[;] conferred by the director, including the power to arrest [~~in the performance of its duties~~].~~

“Staff member” means any employee of the department [~~of public safety who is directly involved with the treatment and care of persons committed to a facility or] who possesses police powers[;] conferred by the director, including the power of arrest.~~

(c) The department shall obtain criminal history record information through the Hawaii criminal justice data center in accordance with section 846-2.7, on all staff members and prospective staff members of the department of [~~public safety.] law enforcement. Prospective staff members shall be fingerprinted and the criminal history record check shall be completed [~~prior to] before~~ beginning employment.”~~

SECTION 15. Section 353C-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§353C-6]]~~ **Parking fees, exemption.** Notwithstanding any other law, rule, or provision to the contrary, [~~special service deputies] law enforcement officers of the department of [~~public safety] law enforcement are exempt from all state and county parking meter fees and county time parking restrictions while in the performance of their official duties, including attendance at court; provided that this exemption shall:~~~~

- (1) Apply exclusively to state owned law enforcement vehicles assigned to the department of [~~public safety;] law enforcement; and~~
- (2) Not apply to private individuals retained by the department on a contractual basis to serve civil process in any capacity.”

SECTION 16. Section 707-700, Hawaii Revised Statutes, is amended by amending the definition of “emergency worker” to read as follows:

““Emergency worker” means any:

- (1) Law enforcement officer, including any police officer, [~~public safety officer;] employee of the department of law enforcement conferred with police powers by the director of law enforcement, parole or probation officer, or any other officer of any county, state, federal, or military agency authorized to exercise law enforcement or police powers;~~
- (2) Firefighter, emergency medical services personnel, emergency medical technician, ambulance crewmember, or any other emergency response personnel;

- (3) Member of the Hawaii National Guard on any duty or service done under or in pursuance of an order or call of the governor or the President of the United States or any proper authority;
- (4) Member of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard on any duty or service performed under or in pursuance of an order or call of the President of the United States or any proper authority;
- (5) Member of the National Guard from any other state ordered into service by any proper authority; or
- (6) Person engaged in emergency management functions as authorized by the director of Hawaii emergency management or the administrator or director of the county emergency management agency or as otherwise authorized under chapter 127A.”

SECTION 17. (a) Sections 28-151, 78-52, 134-81, 139-7, 200-2, 205A-62, 291E-6.5, 328-16, 329-1, 329-11, 329-18, 329-20, 329-23, 329-31, 329-32, 329-33, 329-34, 329-35, 329-36, 329-37, 329-51, 329-54, 329-55, 329-57, 329-58, 329-61, 329-63, 329-64, 329-66, 329-67, 329-68, 329-71, 329-72, 329-75, 334D-5, 350-1.1, 353C-1, 386-181, 651-1, and 844D-38, Hawaii Revised Statutes, are amended by substituting the phrase “department of law enforcement”, or similar term, wherever the phrase “department of public safety”, or similar term, appears.

(b) Sections 134C-2, 200-27, 226-64, 329-51, 329-59, 329-69, 346-382, 353C-1, 577E-3, 587A-4, 614-2, and 651-1, Hawaii Revised Statutes, are amended by substituting the phrase “director of law enforcement”, or similar term, wherever the phrase “director of public safety”, or similar term, appears, as the context requires.

(c) Sections 501-154, 603-29, 604-6.2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-22, 634-29, 652-1.5, 652-2, 652-2.5, 652-2.6, 654-2, 666-11, and 666-21, Hawaii Revised Statutes, are amended by substituting the phrase “department of law enforcement’s”, or similar term, wherever the phrase “department of public safety’s”, or similar term, appears.

(d) Sections 88-45, 88-47, 88-74, and 88-321, Hawaii Revised Statutes, are amended by substituting the phrase “law enforcement investigations staff”, or similar term, wherever the phrase “public safety investigations staff”, or similar term, appears.

PART IV

SECTION 18. Chapter 353, Hawaii Revised Statutes, is amended by adding seven new sections to part I to be appropriately designated and to read as follows:

“§353-A Director of corrections and rehabilitation; powers and duties.

(a) The director shall be responsible for the formulation and implementation of state goals and objectives for correctional programs, including ensuring that correctional facilities and correctional services meet the present and future needs of persons committed to the correctional facilities. In the administration of these programs, the director may:

- (1) Train, equip, maintain, and supervise correctional personnel and other employees of the department;
- (2) Perform other duties as may be required by law;
- (3) Adopt, pursuant to chapter 91, rules that are necessary or desirable for the administration of corrections; and
- (4) Enter into contracts on behalf of the department and take all actions deemed necessary and appropriate for the proper and efficient

administration of the department, including contracts for the custody and care of Hawaii inmates housed outside of the State.

(b) The department of corrections and rehabilitation shall report to the legislature not later than twenty days prior to the commencement of the regular session of 2024, and every session thereafter, with its achievements, continuing improvements, and ongoing problems in providing the appropriate mental health care to committed persons under its jurisdiction.

§353-B Deputy directors; appointment. The director shall appoint, without regard to chapter 76, three deputy directors to serve at the director's pleasure. Unless otherwise assigned by the director, one deputy director shall oversee the correctional institutions of the department including prisons and jails within the State and any contracts for the custody and care of Hawaii inmates housed outside of the State, one deputy director shall oversee the rehabilitation services and programs of the department, and one deputy director shall oversee administration of the department.

§353-C Correctional health care program. There is established a correctional health care program within the department. The administrator of the correctional health care program and physicians who provide care to inmates shall be appointed by the director without regard to chapter 76.

§353-D Criminal history record checks. (a) The department shall develop standards to ensure the reputable and responsible characters of staff members of the State's correctional facilities, which shall include criminal history record checks.

(b) For purposes of this section:

"Prospective staff member" means any applicant for a job in the department that is directly involved with the treatment and care of persons committed to a facility.

"Staff member" means any employee of the department who is directly involved with the treatment and care of persons committed to a facility.

(c) The department shall obtain criminal history record information through the Hawaii criminal justice data center in accordance with section 846-2.7, on all staff members and prospective staff members of the department. Prospective staff members shall be fingerprinted and the criminal history record check shall be completed before beginning employment.

(d) The department may deny employment to a prospective staff member who was convicted of a crime other than a minor traffic violation involving a fine of \$50 or less and if the department finds from the prospective staff member's criminal history record that the prospective staff member poses a risk to the health, safety, security, or well-being of inmates under supervision and confinement, other staff, or the public at large.

(e) Staff members shall not be subject to termination based on findings in their criminal records except for:

- (1) Those whose conviction of a crime occurred after May 8, 1989, or under circumstances in which a staff member is a fugitive from justice; and
- (2) Crimes other than a minor traffic violation involving a fine of \$50 or less, where because of the staff member's conviction record, the staff member poses a risk to the health, safety, security, or well-being of inmates under supervision and confinement, other staff, or the public at large.

§353-E Federal reimbursement maximization special fund. (a) There is established in the state treasury the federal reimbursement maximization special fund, into which shall be deposited all federal reimbursements received by the department relating to the State Criminal Alien Assistance Program. Unless otherwise provided by law, all other receipts shall immediately be deposited to the credit of the general fund of the State.

(b) Moneys in the federal reimbursement maximization special fund shall be used by the department for the following purposes:

- (1) To meet the state match requirement for federal grants and costs associated with federal grant reporting requirements, including administrative expenses such as the hiring of temporary staff;
- (2) For any other purpose deemed necessary by the department for maintaining or pursuing federal grants;
- (3) To hire consultants to provide training for corrections officers;
- (4) To hire consultants to conduct facility or program evaluations;
- (5) To rent or purchase vehicles to transport inmates;
- (6) To provide pre-release and reentry programs;
- (7) To improve technology; and
- (8) To recruit and retain corrections workforce.

(c) The department shall prepare and submit an annual report on the status of the federal reimbursement maximization special fund to the legislature no later than twenty days before the convening of each regular session. The annual report shall include a description of the use of the funds.

§353-F Sexual assaults in prison. (a) The department, to the best of the department's ability, shall address sexual assault in prison and make every effort to seek grant moneys from the federal government to implement those efforts. The department shall place priority upon establishing:

- (1) Appropriate counseling services for sexual assault, to be made available to victims of prison sexual assault within twenty-four hours of the report of an assault; and
- (2) Policies and standards of transparency to achieve a zero-tolerance policy for sexual assault.

(b) The department, no later than twenty days prior to the convening of each regular session, shall report data to the legislature regarding:

- (1) Sexual assault by persons in custody against other persons in custody of the department;
- (2) Sexual assault by correctional staff against persons in custody of the department;
- (3) Non-criminal sexual misconduct by staff, including sexual harassment of persons in custody of the department;
- (4) Criminal cases initiated, and closed by dismissal, plea, or verdict, for sexual assaults by or upon a person in custody of the department; and
- (5) Civil claims filed and closed by dismissal, settlement, or verdict for sexual assaults by or upon a person in custody of the department.

(c) The department shall preserve any forensic evidence consisting of human biological specimens for collection by the relevant criminal investigation entity or coroner, if there is any indication of sexual assault leading to the death of any:

- (1) Correctional facility or community correctional center employee who dies on the grounds of a correctional facility or community correctional center where Hawaii inmates reside or who sustains an injury on the grounds of a correctional facility or community cor-

rectional center where Hawaii inmates reside that causes the death of the employee; and

- (2) Hawaii inmate who is incarcerated in a state or contracted correctional facility.

§353-G Correctional facility and community correctional center deaths; reporting. (a) Within forty-eight hours, the director shall report to the governor, and the governor shall report to the legislature, the death of any:

- (1) Correctional facility or community correctional center employee who:
 - (A) Dies on the grounds of a correctional facility or community correctional center where Hawaii inmates reside; or
 - (B) Sustains an injury on the grounds of a correctional facility or community correctional center where Hawaii inmates reside that causes the death of the employee; or
- (2) Hawaii inmate who is incarcerated in a state or contracted correctional facility.
 - (b) The report in subsection (a) shall include the following information:
 - (1) The name of the decedent; provided that this information is not protected from disclosure by state or federal law;
 - (2) The gender and age of the decedent;
 - (3) Whether the decedent was an inmate or an employee;
 - (4) The location of the death or injury leading to the death;
 - (5) The date and time of the death;
 - (6) The cause of death; and
 - (7) Any indication of sexual assault leading to the death;

provided that when the official cause of death has been determined, the director shall immediately report the official cause of death to the governor, and the governor shall immediately report the official cause of death to the legislature.

(c) Within thirty days of a death described in subsection (a), the director shall submit a report to the governor, and the governor shall submit the report to the legislature, of the clinical mortality review conducted in response to the death, including correctional actions to be taken.

(d) The director may disclose other information not specified in subsection (b); provided that the director shall not disclose information protected from disclosure by state or federal law.”

SECTION 19. Section 23-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each special, revolving, and trust fund shall be reviewed every five years as follows:

- (1) Beginning 2014 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the department of accounting and general services; the department of agriculture; the department of budget and finance; and the department of land and natural resources;
- (2) Beginning 2015 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the department of the attorney general; the department of business, economic development, and tourism; and the University of Hawaii system;
- (3) Beginning 2016 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds within the judiciary and of the department of commerce and consumer affairs;

- the department of Hawaiian home lands; the department of health; and the department of human services;
- (4) Beginning 2017 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the office of the governor; the office of Hawaiian affairs; and the department of education;
 - (5) Beginning 2018 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the department of labor and industrial relations; the department of taxation; the department of human resources development; the department of ~~public safety~~; corrections and rehabilitation; the department of law enforcement; and all other moneys expended in accordance with section 37-40; and
 - (6) Beginning 2014 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the department of transportation and the department of defense.”

SECTION 20. Section 26-4, Hawaii Revised Statutes, is amended to read as follows:

“§26-4 Structure of government. Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments that are hereby established:

- (1) Department of human resources development (Section 26-5);
- (2) Department of accounting and general services (Section 26-6);
- (3) Department of the attorney general (Section 26-7);
- (4) Department of budget and finance (Section 26-8);
- (5) Department of commerce and consumer affairs (Section 26-9);
- (6) Department of taxation (Section 26-10);
- (7) University of Hawaii (Section 26-11);
- (8) Department of education (Section 26-12);
- (9) Department of health (Section 26-13);
- (10) Department of human services (Section 26-14);
- (11) Department of land and natural resources (Section 26-15);
- (12) Department of agriculture (Section 26-16);
- (13) Department of Hawaiian home lands (Section 26-17);
- (14) Department of business, economic development, and tourism (Section 26-18);
- (15) Department of transportation (Section 26-19);
- (16) Department of labor and industrial relations (Section 26-20);
- (17) Department of defense (Section 26-21);
- (18) Department of ~~public safety~~ corrections and rehabilitation (Section 26-14.6)~~[-]; and~~
- (19) Department of law enforcement (Section 26-).”

SECTION 21. Section 26-14.6, Hawaii Revised Statutes, is amended to read as follows:

“§26-14.6 Department of ~~public safety~~ corrections and rehabilitation.
 (a) The department of ~~public safety~~ corrections and rehabilitation shall be headed by a single executive to be known as the director of ~~public safety~~ corrections and rehabilitation.

(b) The department of ~~public safety~~ corrections and rehabilitation shall be responsible for the formulation and implementation of state policies

and objectives for ~~the correctional, security, law enforcement, and public safety programs and functions,~~ system statewide and for the administration and maintenance of all public or private correctional facilities and services ~~for the service of process, and for the security of state buildings~~.

(c) ~~Effective July 1, 1990, the Hawaii paroling authority and the crime victim compensation commission are placed within the department of public safety for administrative purposes only[-], and effective January 1, 2024, the Hawaii paroling authority and the crime victim compensation commission are placed within the department of corrections and rehabilitation for administrative purposes only.~~

(d) ~~Effective July 1, 1990, the functions and authority heretofore exercised by:~~

- (1) ~~The department of corrections relating to adult corrections and the intake service centers;~~
- (2) ~~The judiciary relating to the sheriff's office and judiciary security personnel; and~~
- (3) ~~The department of the attorney general relating to state law enforcement officers and narcotics enforcement investigators with the narcotics enforcement division,~~

~~shall be transferred to the department of public safety. Effective January 1, 2024, the functions and authority transferred in paragraph (1) shall be transferred to the department of corrections and rehabilitation, and the functions and authority transferred in paragraphs (2) and (3) shall be transferred to the department of law enforcement.~~

(e) ~~Effective July 1, 1990, the functions and authority heretofore exercised by the department of health pursuant to chapters 329 and 329C, with the exception of sections 329-2, 329-3, and 329-4(3) to (8), shall be transferred to the department of public safety[-]; and effective January 1, 2024, those functions and authority shall be transferred to the department of law enforcement.~~

(f) ~~Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy", under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, [587-33,] 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety[-]; and effective January 1, 2024, those functions, authority, and obligations shall be exercised to the same extent by the department of law enforcement.~~

(g) ~~Effective January 1, 1993, the functions and authority heretofore exercised by the attorney general and the department of the attorney general relating to the executive security officers shall be transferred to the department of public safety [-]; and effective January 1, 2024, those functions and authority shall be transferred to the department of law enforcement.~~

(h) ~~Effective July 1, 1999, the functions and authority heretofore exercised by the director of public safety and the department of public safety relating to after hours security contracts at department of education facilities, except for the security functions being performed by employees of the public library system as well as the contractual security services for the libraries, shall be transferred to the department of education.~~

(i) Effective January 1, 1993, the functions and authority heretofore exercised by the director of health and the department of health relating to uniformed security employees and security contracts at various state hospitals throughout the State shall be transferred to the department of public safety[-]; and effective January 1, 2024, those functions and authority shall be transferred to the department of law enforcement. Effective July 1, 2005, the functions, authority, and employee positions of the department of public safety relating to uniformed security employees and security contracts at health facilities that are under the operation, management, and control of the Hawaii health systems corporation shall be transferred to the Hawaii health systems corporation.

(j) Effective January 1, 1993, the functions and authority heretofore exercised by the director of human services and the department of human services relating to contractual security guard services shall be transferred to the department of public safety[-]; and effective January 1, 2024, those functions and authority shall be transferred to the department of law enforcement.

(k) Effective July 1, 1994, the functions and authority heretofore exercised by the adjutant general relating to security for national guard and state emergency management facilities in the Diamond Head complex, for after work hours, shall be transferred to the department of public safety[-]; and effective January 1, 2024, those functions and authority shall be transferred to the department of law enforcement.

(l) Effective July 1, 2002, the functions and authority heretofore exercised by the director of public safety and the department of public safety relating to after hours security contracts at department of education facilities, including all security functions being performed by employees of the public library system, as well as the contractual security services for the libraries, shall be transferred to the department of education and the public library system as appropriate.”

SECTION 22. Section 26-52, Hawaii Revised Statutes, is amended to read as follows:

“**§26-52 Department heads and executive officers.** The salaries of the following state officers shall be as follows:

- (1) The salary of the superintendent of education shall be set by the board of education at a rate no greater than \$250,000 a year. The superintendent shall be subject to an annual performance evaluation that is in alignment with other employee evaluations within the department of education and are based on outcomes determined by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance;
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents;
- (3) Effective July 1, 2004, the salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, business, economic development, and tourism, commerce and consumer affairs, corrections and rehabilitation, Hawaiian home lands, health, human resources development, human services, labor and industrial relations, land and natural resources, [public safety,] law enforcement, taxation, and transportation shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature; and

- (4) The salary of the adjutant general shall be \$85,302 a year. Effective July 1, 2007, and every six years thereafter, the salary of the adjutant general shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature, except that if the state salary is in conflict with the pay and allowance fixed by the tables of the regular Army or Air Force of the United States, the latter shall prevail.”

SECTION 23. Section 26-56, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The commission shall review and recommend an appropriate salary for the governor, lieutenant governor, members of the legislature, justices and judges of all state courts, administrative director of the State or an equivalent position, and department heads or executive officers and the deputies or assistants to the department heads of the departments of:

- (1) Accounting and general services;
- (2) Agriculture;
- (3) The attorney general;
- (4) Budget and finance;
- (5) Business, economic development, and tourism;
- (6) Commerce and consumer affairs;
- (7) Corrections and rehabilitation;
- [~~(7)~~] (8) Defense;
- [~~(8)~~] (9) Hawaiian home lands;
- [~~(9)~~] (10) Health;
- [~~(10)~~] (11) Human resources development;
- [~~(11)~~] (12) Human services;
- [~~(12)~~] (13) Labor and industrial relations;
- [~~(13)~~] (14) Land and natural resources;
- [~~(14)~~] ~~Public safety;~~ (15) Law enforcement;
- [~~(15)~~] (16) Taxation; and
- [~~(16)~~] (17) Transportation.

The commission shall not review the salary of any position in the department of education or the University of Hawaii.

The commission may recommend different salaries for department heads and executive officers and different salary ranges for deputies or assistants to department heads; provided that the commission shall recommend the same salary range for deputies or assistants to department heads within the same department; provided further that the appointing official shall specify the salary for a particular position within the applicable range.

The commission shall not recommend salaries lower than salary amounts recommended by prior commissions replaced by this section.”

SECTION 24. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;

- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;
- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);
- (10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;
- (11) (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;

- (B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual/bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational/supportive services specialists, alternative school project coordinators, and communications aides in the department of education;
 - (C) The special assistant to the state librarian and one secretary for the special assistant to the state librarian; and
 - (D) Members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work, and administrative, professional, and technical personnel of the university;
- (12) Employees engaged in special, research, or demonstration projects approved by the governor;
 - (13) (A) Positions filled by inmates, patients of state institutions, persons with severe physical or mental disabilities participating in the work experience training programs;
 - (B) Positions filled with students in accordance with guidelines for established state employment programs; and
 - (C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;
 - (14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;
 - (15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
 - (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; four additional deputies in the department of health, each in charge of one of the following: behavioral health, environmental health, hospitals, and health resources administration, including other functions within the department as may be assigned by the director of health, with the approval of the governor; two additional deputies in charge of the law enforcement programs, administration, or other functions within the department of law enforcement as may be assigned by the director of law enforcement, with the approval of the governor; three additional deputies each in charge of the correctional institutions, rehabilitation services and programs, and administration or other functions within the department of corrections and rehabilitation as may be assigned by the

- director of corrections and rehabilitation, with the approval of the governor; an administrative assistant to the state librarian; and an administrative assistant to the superintendent of education;
- (17) Positions specifically exempted from this part by any other law; provided that:
 - (A) Any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature; and
 - (B) All of the positions defined by paragraph (9) shall be included in the position classification plan;
 - (18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects;
 - (19) Household employees at the official residence of the president of the University of Hawaii;
 - (20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;
 - (21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;
 - (22) Positions of the federally funded expanded food and nutrition program of the University of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;
 - (23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;
 - (24) The sheriff;
 - (25) A gender and other fairness coordinator hired by the judiciary;
 - (26) Positions in the Hawaii National Guard youth and adult education programs;
 - (27) In the state energy office in the department of business, economic development, and tourism, all energy program managers, energy program specialists, energy program assistants, and energy analysts;
 - (28) Administrative appeals hearing officers in the department of human services;
 - (29) In the Med-QUEST division of the department of human services, the division administrator, finance officer, health care services branch administrator, medical director, and clinical standards administrator;
 - (30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, and security and privacy compliance analyst;
 - (31) The Alzheimer's disease and related dementia services coordinator in the executive office on aging;
 - (32) In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel; provided that, for state warning point personnel, the director shall determine that recruitment through normal civil service

recruitment procedures would result in delay or noncompliance; and

~~[(33)]~~ The executive director and seven full-time administrative positions of the school facilities authority.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955.”

SECTION 25. Section 84-18, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Subject to the restrictions imposed in subsections (a) through (d), the following individuals shall not represent any person or business for a fee or other consideration regarding any legislative action or administrative action, as defined in section 97-1, for twelve months after termination from their respective positions:

- (1) The governor;
- (2) The lieutenant governor;
- (3) The administrative director of the State;
- (4) The attorney general;
- (5) The comptroller;
- (6) The chairperson of the board of agriculture;
- (7) The director of corrections and rehabilitation;
- ~~[(7)]~~ (8) The director of finance;
- ~~[(8)]~~ (9) The director of business, economic development, and tourism;
- ~~[(9)]~~ (10) The director of commerce and consumer affairs;
- ~~[(10)]~~ (11) The adjutant general;
- ~~[(11)]~~ (12) The superintendent of education;
- ~~[(12)]~~ (13) The chairperson of the Hawaiian homes commission;
- ~~[(13)]~~ (14) The director of health;
- ~~[(14)]~~ (15) The director of human resources development;
- ~~[(15)]~~ (16) The director of human services;
- ~~[(16)]~~ (17) The director of labor and industrial relations;
- ~~[(17)]~~ (18) The chairperson of the board of land and natural resources;
- ~~[(18)]~~ (19) The director of ~~[public safety;]~~ law enforcement;
- ~~[(19)]~~ (20) The director of taxation;
- ~~[(20)]~~ (21) The director of transportation;
- ~~[(21)]~~ (22) The president of the University of Hawaii;
- ~~[(22)]~~ (23) The executive administrator of the board of regents of the University of Hawaii;
- ~~[(23)]~~ (24) The administrator of the office of Hawaiian affairs;
- ~~[(24)]~~ (25) The chief information officer;
- ~~[(25)]~~ (26) The executive director of the agribusiness development corporation;
- ~~[(26)]~~ (27) The executive director of the campaign spending commission;
- ~~[(27)]~~ (28) The executive director of the Hawaii community development authority;
- ~~[(28)]~~ (29) The executive director of the Hawaii housing finance and development corporation;
- ~~[(29)]~~ (30) The president and chief executive officer of the Hawaii tourism authority;
- ~~[(30)]~~ (31) The executive officer of the public utilities commission;
- ~~[(31)]~~ (32) The state auditor;
- ~~[(32)]~~ (33) The director of the legislative reference bureau;

- ~~[(33)]~~ (34) The ombudsman;
- ~~[(34)]~~ (35) The permanent employees of the legislature, other than persons employed in clerical, secretarial, or similar positions;
- ~~[(35)]~~ (36) The administrative director of the courts;
- ~~[(36)]~~ (37) The executive director of the state ethics commission;
- ~~[(37)]~~ (38) The executive officer of the state land use commission;
- ~~[(38)]~~ (39) The executive director of the natural energy laboratory of Hawaii authority;
- ~~[(39)]~~ (40) The executive director of the Hawaii public housing authority; and
- ~~[(40)]~~ (41) The first deputy to the chairperson of the commission on water resource management;

provided that this subsection shall not apply to any person who has held one of the positions listed above only on an interim or acting basis and for a period of less than one hundred eighty-one days.”

SECTION 26. Chapter 353, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**“CHAPTER 353
CORRECTIONS AND REHABILITATION”**

SECTION 27. Section 378-2.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Notwithstanding subsections (b) and (c), the requirement that inquiry into and consideration of a prospective employee’s conviction record may take place only after the individual has received a conditional job offer, and the limitation to the most recent seven-year period for felony convictions and the most recent five-year period for misdemeanor convictions, excluding the period of incarceration, shall not apply to employers who are expressly permitted to inquire into an individual’s criminal history for employment purposes pursuant to any federal or state law other than subsection (a), including:

- (1) The State or any of its branches, political subdivisions, or agencies pursuant to sections 78-2.7 and 831-3.1;
- (2) The department of education pursuant to section 302A-601.5;
- (3) The department of health with respect to employees, providers, or subcontractors in positions that place them in direct contact with clients when providing non-witnessed direct mental health services pursuant to section 321-171.5;
- (4) The judiciary pursuant to section 571-34;
- (5) The counties pursuant to section 846-2.7(b)(5), (33), (34), (35), (36), and (38);
- (6) Armed security services pursuant to section 261-17(b);
- (7) Providers of a developmental disabilities domiciliary home pursuant to section 321-15.2;
- (8) Private schools pursuant to sections 302C-1 and 378-3(8);
- (9) Financial institutions in which deposits are insured by a federal agency having jurisdiction over the financial institution pursuant to section 378-3(9);
- (10) Detective agencies and security guard agencies pursuant to sections 463-6(b) and 463-8(b);
- (11) Employers in the business of insurance pursuant to section 431:2-201.3;
- (12) Employers of individuals or supervisors of individuals responsible for screening passengers or property under title 49 United States

Code section 44901 or individuals with unescorted access to an aircraft of an air carrier or foreign carrier or in a secured area of an airport in the United States pursuant to title 49 United States Code section 44936(a);

- (13) The department of human services pursuant to sections 346-97 and 352-5.5;
- (14) The public library system pursuant to section 302A-601.5;
- (15) The department of ~~[public safety]~~ law enforcement pursuant to section 353C-5;
- (16) The board of directors of a cooperative housing corporation or the manager of a cooperative housing project pursuant to section 421I-12;
- (17) The board of directors of an association under chapter 514B, or the managing agent or resident manager of a condominium pursuant to section 514B-133; ~~[and]~~
- (18) The department of health pursuant to section 321-15.2[.]; and
- (19) The department of corrections and rehabilitation pursuant to section 353-D.”

SECTION 28. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Criminal history record checks may be conducted by:

- (1) The department of health or its designee on operators of adult foster homes for individuals with developmental disabilities or developmental disabilities domiciliary homes and their employees, as provided by section 321-15.2;
- (2) The department of health or its designee on prospective employees, persons seeking to serve as providers, or subcontractors in positions that place them in direct contact with clients when providing non-witnessed direct mental health or health care services as provided by section 321-171.5;
- (3) The department of health or its designee on all applicants for licensure or certification for, operators for, prospective employees, adult volunteers, and all adults, except adults in care, at healthcare facilities as defined in section 321-15.2;
- (4) The department of education on employees, prospective employees, and teacher trainees in any public school in positions that necessitate close proximity to children as provided by section 302A-601.5;
- (5) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;
- (6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;
- (7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;
- (8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;
- (9) The department of human services on prospective adoptive parents as established under section 346-19.7;
- (10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees

- and household members of the provider after registration or licensure as provided by section 346-154, and persons subject to section 346-152.5;
- (11) The department of human services on persons exempt pursuant to section 346-152 to be eligible to provide child care and receive child care subsidies as provided by section 346-152.5;
 - (12) The department of health on operators and employees of home and community-based case management agencies and operators and other adults, except for adults in care, residing in community care foster family homes as provided by section 321-15.2;
 - (13) The department of human services on staff members of the Hawaii youth correctional facility as provided by section 352-5.5;
 - (14) The department of human services on employees, prospective employees, and volunteers of contracted providers and subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office or the Hawaii youth correctional facility as provided by section 352D-4.3;
 - (15) The judiciary on employees and applicants at detention and shelter facilities as provided by section 571-34;
 - (16) The department of ~~[public safety]~~ corrections and rehabilitation on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility ~~[or who possess]~~ as provided by section 353-D and the department of law enforcement on employees and prospective employees whose duties involve or may involve the exercise of police powers including the power of arrest as provided by section 353C-5;
 - (17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;
 - (18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;
 - (19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;
 - (20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;
 - (21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;
 - (22) The department of human services on purchase of service contracted and subcontracted service providers and their employees serving clients of the adult protective and community services branch, as provided by section 346-97;
 - (23) The department of human services on foster grandparent program, senior companion program, and respite companion program participants as provided by section 346-97;

- (24) The department of human services on contracted and subcontracted service providers and their current and prospective employees that provide home and community-based services under section 1915(c) of the Social Security Act, title 42 United States Code section 1396n(c), or under any other applicable section or sections of the Social Security Act for the purposes of providing home and community-based services, as provided by section 346-97;
- (25) The department of commerce and consumer affairs on proposed directors and executive officers of a bank, savings bank, savings and loan association, trust company, and depository financial services loan company as provided by section 412:3-201;
- (26) The department of commerce and consumer affairs on proposed directors and executive officers of a nondepository financial services loan company as provided by section 412:3-301;
- (27) The department of commerce and consumer affairs on the original chartering applicants and proposed executive officers of a credit union as provided by section 412:10-103;
- (28) The department of commerce and consumer affairs on:
 - (A) Each principal of every non-corporate applicant for a money transmitter license;
 - (B) Each person who upon approval of an application by a corporate applicant for a money transmitter license will be a principal of the licensee; and
 - (C) Each person who upon approval of an application requesting approval of a proposed change in control of licensee will be a principal of the licensee,
 as provided by sections 489D-9 and 489D-15;
- (29) The department of commerce and consumer affairs on applicants for licensure and persons licensed under title 24;
- (30) The Hawaii health systems corporation on:
 - (A) Employees;
 - (B) Applicants seeking employment;
 - (C) Current or prospective members of the corporation board or regional system board; or
 - (D) Current or prospective volunteers, providers, or contractors, in any of the corporation's health facilities as provided by section 323F-5.5;
- (31) The department of commerce and consumer affairs on:
 - (A) An applicant for a mortgage loan originator license, or license renewal; and
 - (B) Each control person, executive officer, director, general partner, and managing member of an applicant for a mortgage loan originator company license or license renewal,
 as provided by chapter 454F;
- (32) The state public charter school commission or public charter schools on employees, teacher trainees, prospective employees, and prospective teacher trainees in any public charter school for any position that places them in close proximity to children, as provided in section 302D-33;
- (33) The counties on prospective employees who work with children, vulnerable adults, or senior citizens in community-based programs;
- (34) The counties on prospective employees for fire department positions that involve contact with children or vulnerable adults;

- (35) The counties on prospective employees for emergency medical services positions that involve contact with children or vulnerable adults;
- (36) The counties on prospective employees for emergency management positions and community volunteers whose responsibilities involve planning and executing homeland security measures including viewing, handling, and engaging in law enforcement or classified meetings and assisting vulnerable citizens during emergencies or crises;
- (37) The State and counties on employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured areas and equipment related to a traffic management center;
- (38) The State and counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;
- (39) The State and counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;
- (40) The department of commerce and consumer affairs on:
 - (A) Applicants for real estate appraiser licensure or certification as provided by chapter 466K;
 - (B) Each person who owns more than ten per cent of an appraisal management company who is applying for registration as an appraisal management company, as provided by section 466L-7; and
 - (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section 466L-7;
- (41) The department of health or its designee on all license applicants, licensees, employees, contractors, and prospective employees of medical cannabis dispensaries, and individuals permitted to enter and remain in medical cannabis dispensary facilities as provided under sections 329D-15(a)(4) and 329D-16(a)(3);
- (42) The department of commerce and consumer affairs on applicants for nurse licensure or license renewal, reactivation, or restoration as provided by sections 457-7, 457-8, 457-8.5, and 457-9;
- (43) The county police departments on applicants for permits to acquire firearms pursuant to section 134-2 and on individuals registering their firearms pursuant to section 134-3;
- (44) The department of commerce and consumer affairs on:
 - (A) Each of the controlling persons of the applicant for licensure as an escrow depository, and each of the officers, directors, and principals who will be in charge of the escrow depository's activities upon licensure; and
 - (B) Each of the controlling persons of an applicant for proposed change in control of an escrow depository licensee, and each of the officers, directors, and principals who will be in charge of the licensee's activities upon approval of the application, as provided by chapter 449;
- (45) The department of taxation on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 231-1.6;

- (46) The department of labor and industrial relations on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 383-110;
- (47) The department of human services on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 346-2.5;
- (48) The child support enforcement agency on current or prospective employees or contractors who have access to federal tax information in order to comply with federal law, regulation, or procedure, as provided by section 576D-11.5;
- (49) The department of the attorney general on current or prospective employees or employees or agents of contractors who have access to federal tax information to comply with requirements of federal law, regulation, or procedure, as provided by section 28-17;
- [(50)] The department of commerce and consumer affairs on each control person, executive officer, director, general partner, and managing member of an installment loan licensee, or an applicant for an installment loan license, as provided in chapter 480J;
- [(51)] The University of Hawaii on current and prospective employees and contractors whose duties include ensuring the security of campus facilities and persons; and
- [(52)] Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law.”

SECTION 29. (a) Sections 202-10, 304A-1751, 304A-1752, 304A-1753, 304A-1754, 321-193.5, 329B-2.5, 351-11, 352-10, 353-1, 353-6.5, 353-8, 353-10, 353-10.5, 353-11.5, 353-13.1, 353-13.4, 353-16.37, 353-63.5, 353-131, 353-137, 353E-1, 353E-2, 353G-2, 353G-3, 353G-4, 353G-5, 353G-6, 353G-13, 353G-14, 353G-16, 353H-2, 353H-2.5, 353H-3, 353H-4, 353H-6, 353H-7, 353H-8, 353H-31, 353H-32, 353L-3, 353L-5, 354D-1, 354D-2, 354D-8, 367D-2, 367D-8, 662-16, 706-604, 706-646, 706-667, 706-668.5, 706-669, 706-670, 706-670.5, 706-672, 706-673, 801D-4, 804-7, 844D-34, 844D-82, 844D-111, 846-11, 846-54, and 846E-1, Hawaii Revised Statutes, are amended by substituting the phrase “department of corrections and rehabilitation”, or similar term, wherever the phrase “department of public safety”, or similar term, appears.

(b) Sections 134-2, 321-193.5, 334-74, 346-29, 351-62.5, 351-70, 353-1, 353-10, 353-10.5, 353-15, 353-16.5, 353-22.6, 353-22.8, 353-32, 353-63, 353-63.5, 353-65, 353-72, 353-101, 353-137, 353B-3, 353D-4, 353H-5, 353H-7, 353H-31, 354D-2, 355-4, 355-5, 355D-4, 355D-5, 367D-2, 367D-3, 367D-4, 367D-5, 706-656, 706-672, 707-731, 707-732, 804-7, 832-23, and 844D-61, Hawaii Revised Statutes, are amended by substituting the phrase “director of corrections and rehabilitation”, or similar term, wherever the phrase “director of public safety”, or similar term, appears, as the context requires.

(c) Sections 353-10 and 353-12.5, Hawaii Revised Statutes, are amended by substituting the phrase “department of corrections and rehabilitation’s”, or similar term, wherever the phrase “department of public safety’s”, or similar term, appears, as the context requires.

SECTION 30. Section 353C-4.5, Hawaii Revised Statutes, is repealed.

SECTION 31. Section 353C-7, Hawaii Revised Statutes, is repealed.

SECTION 32. Section 353C-8, Hawaii Revised Statutes, is repealed.

SECTION 33. Section 353C-8.5, Hawaii Revised Statutes, is repealed.

PART V

SECTION 34. All rights, powers, functions, and duties of the employees of the investigations division of the department of the attorney general performing non-statutorily mandated functions are transferred to the department of law enforcement.

SECTION 35. All rights, powers, functions, and duties of the employees of the state office of homeland security are transferred to the department of law enforcement.

SECTION 36. All rights, powers, functions, and duties of the employees of the department of transportation performing law enforcement and security functions and related employees are transferred to the department of law enforcement.

SECTION 37. Section 26-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of defense shall be headed by a single executive to be known as the adjutant general. The adjutant general shall also be the director of the Hawaii emergency management agency as established in section 127A-3 [~~and the director of homeland security~~].

The department shall be responsible for the defense of the State and its people from mass violence, originating from either human or natural causes.

The devolution of command of the military forces in the absence of the adjutant general shall be within the military establishment. The devolution of command of the Hawaii emergency management agency in the absence of the adjutant general, as director of the agency, shall be within the agency.”

SECTION 38. Section 128A-2, Hawaii Revised Statutes, is amended by amending the definition of “director of homeland security” or “director” to read as follows:

“[~~“Director of homeland security” or “director”~~] “Director” means the [~~adjutant general~~] director of law enforcement.”

SECTION 39. Section 128A-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be established within the department of [~~defense~~] law enforcement an office of homeland security. The director [~~of homeland security~~] shall employ appropriate personnel and make expenditures as may be necessary to carry out this chapter. The director shall appoint an administrator of homeland security who shall be exempt from chapter 76, subject to removal by the director, and receive compensation as the director may determine.”

SECTION 40. Section 128B-1, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) There is established the full-time Hawaii cybersecurity, economic, education, and infrastructure security coordinator to oversee cybersecurity and cyber resiliency matters, including cybersecurity, economic, education, and in-

frastructure security for the State. The coordinator shall be placed within the [state] department of [~~defense.~~] law enforcement.

(b) The coordinator shall be selected by the [~~state adjutant general~~] director of law enforcement based on the recommendations of the various agencies, departments, and private entities that will partner with the coordinator.”

SECTION 41. Section 139-1, Hawaii Revised Statutes, is amended by amending the definition of “law enforcement officer” to read as follows:

““Law enforcement officer” means:

- (1) A police officer employed by a county police department;
- (2) [~~A public safety officer employed by the department of public safety;~~] An employee of the department of law enforcement conferred with police powers by the director of law enforcement; or
- (3) An employee of the [~~department of transportation;~~] department of land and natural resources, department of taxation, or department of the attorney general who is conferred by law with general police powers.”

SECTION 42. Section 139-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the law enforcement standards board within the department of the attorney general for administrative purposes only. The purpose of the board shall be to provide programs and standards for training and certification of law enforcement officers. The law enforcement standards board shall consist of the following voting members: [~~nine~~] eight ex officio individuals, two law enforcement officers, and four members of the public.

- (1) The [~~nine~~] eight ex officio members of the board shall consist of the:
 - (A) Attorney general;
 - (B) Director of [~~public safety;~~] law enforcement;
 - ~~[(C) Director of transportation or the director’s designee;~~
 - ~~(D)] (C) Chairperson of the board of land and natural resources or chairperson’s designee;~~
 - ~~[(E)] (D) Director of taxation or the director’s designee; and~~
 - ~~[(F)] (E) Chiefs of police of the four counties;~~
- (2) The two law enforcement officers shall each have at least ten years of experience as a law enforcement officer and shall be appointed by the governor; and
- (3) The four members of the public shall consist of one member of the public from each of the four counties and shall be appointed by the governor. At least two of the four members of the public holding a position on the board at any given time shall:
 - (A) Possess a master’s or doctorate degree related to criminal justice;
 - (B) Possess a law degree and have experience:
 - (i) Practicing in Hawaii as a deputy attorney general, [a] deputy prosecutor, deputy public defender, or private criminal defense attorney; or
 - (ii) Litigating constitutional law issues in Hawaii;
 - (C) Be a recognized expert in the field of criminal justice, policing, or security; or
 - (D) Have work experience in a law enforcement capacity; provided that experience in a county police department shall not itself be sufficient to qualify under this paragraph.”

SECTION 43. Section 139-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person shall be appointed or employed as a law enforcement officer by any county police department, the department of ~~[public safety, the department of transportation,]~~ law enforcement, the department of land and natural resources, the department of taxation, or the department of the attorney general, unless the person possesses a valid certification issued by the board pursuant to section 139-6(b).”

SECTION 44. Section 266-24, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) ~~[The director of transportation shall enforce this chapter and all rules thereunder, except for the rules relative to the control and management of the beaches encumbered with easements in favor of the public and ocean waters, which shall be enforced by the department of land and natural resources. For the purpose of the enforcement of this chapter and of all rules adopted pursuant to this chapter, the powers of police officers are conferred upon the director of transportation and any officer, employee, or representative of the department of transportation. Without limiting the generality of the foregoing, the director and any person appointed by the director hereunder may serve and execute warrants, arrest offenders, and serve notices and orders. The director of transportation and any employee, agent, or representative of the department of transportation appointed as enforcement officers by the director, and every]~~ Every state and county officer charged with the enforcement of any law, statute, rule, regulation, ordinance, or order, shall enforce and assist in the enforcement of this chapter and of all rules and orders issued pursuant thereto, and in carrying out the responsibilities hereunder, each shall be specifically authorized to:

- (1) Conduct any enforcement action hereunder in any commercial harbor area and any area over which the department of transportation and the director of transportation has jurisdiction under this chapter;
- (2) Inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where harbors or harbor facilities are situated, or where harbor-related activities are operated or conducted; and
- (3) ~~[Subject to limitations as may be imposed by the director of transportation, serve and execute warrants, arrest offenders, and serve]~~ Serve notices and orders.

~~[Any employee appointed as a law enforcement officer by the director of transportation pursuant to this section who has been qualified by training may use electric guns, as specifically provided in section 134-87, when exercising powers of police officers and carrying out the responsibilities described herein; provided that training for the purposes of this section means a course of instruction or training in the use of any electric gun that is provided, authorized, or approved by the manufacturer of the electric gun before deployment or issuance of electric guns and related equipment.~~

~~For purposes of this subsection, “agent” and “representative” includes but is not limited to persons performing services at harbors or harbor areas under contract with the department of transportation.]”~~

SECTION 45. Section 291-31.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person shall knowingly operate, affix or cause to be affixed, display, or possess any lamp, reflector, or illumination device that appears to be the

color blue, or colors blue and red, upon any motor vehicle, motorcycle, motor scooter, bicycle, electric foot scooter, or moped, except for:

- (1) County law enforcement vehicles authorized and approved by the chief of police of the county in which the vehicle is operated;
- (2) Department of ~~[public safety]~~ law enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the director of ~~[public safety];~~ law enforcement; or
- (3) Department of land and natural resources division of conservation and resources enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the chairperson of the board of land and natural resources~~[-or~~
- (4) ~~Department of transportation division of harbors law enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the director of transportation].~~

This prohibition shall not apply to factory-installed instrument illumination.”

SECTION 46. Section 291C-1, Hawaii Revised Statutes, is amended by amending the definition of “authorized emergency vehicle” to read as follows:

““Authorized emergency vehicle” includes fire department vehicles, police vehicles, ambulances, ocean safety vehicles, ~~[public safety]~~ law enforcement vehicles, and conservation and resources enforcement vehicles~~[-, and department of transportation division of harbors law enforcement vehicles]~~ authorized and approved pursuant to section 291-31.5 that are publicly owned and other publicly or privately owned vehicles designated as such by a county council.”

PART VI

SECTION 47. All employees who occupy civil service positions and whose functions are transferred by this Act shall retain their civil service status (permanent or temporary). Employees shall be transferred without loss of salary, seniority (except as prescribed by collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, before this Act, is exempt from civil service and is transferred as a consequence of this Act may continue to retain the employee’s exempt status but shall not be appointed to a civil service position because of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, any vacation and sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employee possesses legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The director of the department to which the employee is transferred may prescribe the duties and qualifications of the employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

SECTION 48. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of transportation,

department of the attorney general, department of public safety, and department of defense relating to the functions transferred to the department of law enforcement or department of corrections and rehabilitation shall be transferred with the functions to which they relate.

SECTION 49. All leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the department of transportation, department of public safety, department of the attorney general, and department of defense pursuant to the provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of law enforcement or department of corrections and rehabilitation by this Act shall remain in full force and effect. Effective January 1, 2024, every reference to the department of public safety or the director of public safety in those leases, contracts, loans, agreements, permits, or other documents shall be construed as a reference to the department of law enforcement or the director of law enforcement, or the department of corrections and rehabilitation or the director of corrections and rehabilitation, as appropriate. Effective January 1, 2024, every reference to the department of transportation or the director of transportation, the department of the attorney general or the attorney general, or the department of defense or the state adjutant general in those leases, contracts, loans, agreements, permits, or other documents shall be construed as a reference to the department of law enforcement or the director of law enforcement, as applicable.

SECTION 50. All rules, policies, procedures, guidelines, and other material adopted or developed by the department of transportation, department of the attorney general, department of public safety, or the department of defense to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of law enforcement or the department of corrections and rehabilitation by this Act shall remain in full force and effect until amended or repealed by the department of law enforcement or department of corrections and rehabilitation pursuant to chapter 91, Hawaii Revised Statutes. In the interim, every reference to the department of transportation or director of transportation, department of the attorney general or attorney general, department of defense or state adjutant general, department of public safety or director of public safety, in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of law enforcement or director of law enforcement, or department of corrections and rehabilitation or director of corrections and rehabilitation, as appropriate.

SECTION 51. No offense committed and no penalty or forfeiture incurred under the law shall be affected by this Act; provided that whenever any punishment, penalty, or forfeiture is mitigated by any provision of this Act, the provision may be extended and applied to any judgment pronounced after the passage of this Act. No suit or prosecution pending at the time this Act takes effect shall be affected by this Act. The right of any administrative officer whose function is transferred by this Act to the department of law enforcement or department of corrections and rehabilitation as the case may be, to institute proceedings for prosecution for an offense or an action to recover a penalty or forfeiture shall be vested in the director of law enforcement, director of corrections and rehabilitation, or the respective director's designee as may be appropriate.

SECTION 52. The right of appeal from administrative actions or determinations as provided by law shall not be impaired by this Act. Except as

otherwise provided by this Act, whenever a right of appeal from administrative actions or determinations is provided by law to or from any officer, board, department, bureau, commission, administrative agency, or instrumentality of the State that, or any of the programs of which, is transferred by this Act to the department of law enforcement or department of corrections and rehabilitation, as the case may be, the right of appeal shall lie to or from the department of law enforcement or department of corrections and rehabilitation, as the case may be, when the transfer is made. The right of appeal shall exist to the same extent and in accordance with the applicable procedures that are in effect immediately before the effective date of the applicable part.

If the provisions of the preceding paragraph relating to appeals cannot be effected by reason of abolishment, splitting, or shifting of functions or otherwise, the right of appeal shall lie to the circuit court of the State pursuant to the Hawaii rules of civil procedure.

SECTION 53. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any modifications with the reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 54. The revisor of statutes may incorporate into the Hawaii Revised Statutes, any of the provisions contained in this Act. The revisor of statutes shall substitute the appropriate department of corrections and rehabilitation or department of law enforcement reference in all existing statutes where a department, board, commission, agency, program, or organizational segment is transferred to the department of corrections and rehabilitation or department of law enforcement if such existing statutory language has not been amended by this Act.

SECTION 55. All laws and parts of laws heretofore enacted that are in conflict with the provisions of this Act are hereby amended to conform herewith. All Acts passed during this regular session of 2022, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless the Acts specifically provide that the Act relating to a “department of public safety” are being amended. Amendments made to sections of the Hawaii Revised Statutes that are amended by this Act as of a future effective date shall include amendments made after the approval of this Act and before the effective date of the amendments made by this Act, to the extent that the intervening amendments may be harmonized with the amendments made by this Act.

PART VII

SECTION 56. The following positions are established within the department of law enforcement:

- (1) One full-time equivalent (1.0 FTE) permanent director position;
- (2) Two full-time equivalent (2.0 FTE) permanent deputy director positions;
- (3) Three full-time equivalent (3.0 FTE) permanent private secretary positions;
- (4) One full-time equivalent (1.0 FTE) permanent special assistant position;

- (5) One full-time equivalent (1.0 FTE) permanent administrative services officer position;
- (6) One full-time equivalent (1.0 FTE) permanent human resources officer position;
- (7) One full-time equivalent (1.0 FTE) permanent planner position;
- (8) Eight full-time equivalent (8.0 FTE) permanent administrative services and accounting positions;
- (9) Nine full-time equivalent (9.0 FTE) permanent information services and technology positions;
- (10) Four full-time equivalent (4.0 FTE) permanent internal support services positions;
- (11) Eight full-time equivalent (8.0 FTE) permanent human resources positions;
- (12) Two full-time equivalent (2.0 FTE) permanent capital improvement project coordinator positions;
- (13) Four full-time equivalent (4.0 FTE) permanent litigation coordination positions;
- (14) Nine full-time equivalent (9.0 FTE) permanent training and staffing development positions;
- (15) Six full-time equivalent (6.0 FTE) permanent supervisory deputy sheriff positions;
- (16) Five full-time equivalent (5.0 FTE) permanent office of homeland security investigator positions;
- (17) Four full-time equivalent (4.0 FTE) permanent civil rights compliance positions; and
- (18) One full-time equivalent (1.0 FTE) permanent public information officer position.

SECTION 57. There is appropriated out of the general revenues of the State of Hawaii the sum of \$900,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the hiring and filling of the following positions within the department of law enforcement:

- (1) One full-time equivalent (1.0 FTE) permanent director position;
- (2) One full-time equivalent (1.0 FTE) permanent deputy director position;
- (3) Two full-time equivalent (2.0 FTE) permanent private secretary positions;
- (4) One full-time equivalent (1.0 FTE) permanent administrative services officer position; and
- (5) One full-time equivalent (1.0 FTE) permanent human resources officer position.

The sum appropriated shall be expended by the department of law enforcement for the purposes of this section.

SECTION 58. The department of law enforcement shall report to the legislature no later than twenty days prior to the convening of the regular session of 2023, the progress made in preparing for the transfer of law enforcement functions to the department on January 1, 2024.

PART VIII

SECTION 59. The following positions are established within the department of corrections and rehabilitation:

- (1) One full-time equivalent (1.0 FTE) permanent investigator VI position;
- (2) Three full-time equivalent (3.0 FTE) permanent investigator V positions;
- (3) One full-time equivalent (1.0 FTE) permanent secretary I position; and
- (4) Three full-time equivalent (3.0 FTE) permanent adult correctional office 08 (CO-08) sergeant positions.

PART IX

SECTION 60. In codifying the new sections added by section 18 and referenced in sections 27 and 28 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 61. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 62. This Act shall take effect upon its approval; provided that:

- (1) Parts III, IV, V, and VIII shall take effect on January 1, 2024;
- (2) Part VII shall take effect on July 1, 2022; and
- (3) The amendments made to section 26-52, Hawaii Revised Statutes, by sections 4 and 22 of this Act shall not be repealed when that section is reenacted on June 30, 2024, pursuant to section 4 of Act 90, Session Laws of Hawaii 2014.

(Approved July 8, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 279

H.B. NO. 2511

A Bill for an Act Relating to the Department of Hawaiian Home Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the mission of the department of Hawaiian home lands is to develop and deliver land to native Hawaiians. The trust, created by Congress through the Hawaiian Homes Commission Act, 1920, as amended (HHCA), set aside lands to be used for the benefit of native Hawaiians.

As required by the Admission Act and as a compact with the United States, the State of Hawaii and the people of Hawaii adopted the HHCA as a provision of the Hawaii State Constitution and agreed to faithfully carry out the spirit of the HHCA for the rehabilitation of the Hawaiian race. These trust responsibilities remain to this day.

The legislature also finds that today, the department of Hawaiian home lands is responsible for the management of 203,500 acres of trust lands, 9,959 homestead leases statewide, and 44,096 lease applications. However, over 28,700 applicants remain on the waitlist for residential, agricultural, or pastoral leases.

The challenges faced by the department of Hawaiian home lands in fulfilling its mission are multi-faceted, and include but are not limited to:

- (1) Availability of beneficiary-preferred land. The greatest demand, and subsequently, the longest waiting list, is for residential property on Oahu. However, the department of Hawaiian home lands' land holdings on Oahu represent only three per cent of its total lands;
- (2) Cost of infrastructure. Preparing the department's lands for home-steading with adequate roads, water, sewer drainage, electrical, and other necessities requires a steady source of funding to ensure that environmental compliance, planning, design, and construction phases are coordinated; and
- (3) Capital for mortgage financing. With one of the highest costs of living in the nation, department of Hawaiian home lands beneficiaries also face the challenging issue of obtaining capital for mortgages to build homes and reside on trust lands.

The legislature further finds that the revenues collected by the State as of fiscal year 2021 provide an unprecedented opportunity to ensure critical long term access to adequate funding for the department of Hawaiian home lands to meet its challenges. Accordingly, the purpose of this Act is to provide a multi-pronged approach to eliminating its waitlist.

SECTION 2. The department of Hawaiian home lands may expend the funds appropriated pursuant to section 6 of this Act to:

- (1) Develop lots or units;
- (2) Purchase available land or units;
- (3) Provide funding for an applicant on the waiting list or a qualified relative of the applicant similar to the qualified relative of a lessee as referenced in section 208(5) of the Hawaiian Home Commission Act of 1920, as amended, who does not own a principal residence to purchase;
- (4) Provide a mortgage or rental subsidy to the applicant on the waiting list for the applicant's principal residence in the State; and
- (5) Other services as necessary to address the waiting list.

SECTION 3. The department of Hawaiian home lands is authorized to prioritize and determine the amount of assistance under this Act according to the income or receipt of other funds by the applicant or qualified relative, including wages, litigation settlement proceeds, and other moneys received by the applicant or qualified relative.

SECTION 4. (a) The department of Hawaiian home lands shall develop a strategic plan to address the following applicant preferences reflected in the 2020 Beneficiaries Study Applicant Report:

- (1) Seventy-six per cent of individuals on the department of Hawaiian home lands waiting list who prefer a lot with a single-family home or a vacant lot for a house; and
- (2) Sixteen per cent of individuals on the department of Hawaiian home lands waiting list who prefer to rent or rent-to-own a single-family home, duplex, apartment, or townhouse, with the option to buy in the future.

(b) The strategic plan shall be divided by county and include recommended waiting list policies detailing when homeowner-applicants receive mortgage or down payment assistance from the department of Hawaiian home lands and renter-applicants who opt to continue to reside in their existing rental hous-

ing or future rental housing developed for the department of Hawaiian home lands.

(c) The department of Hawaiian home lands shall submit the strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than December 10, 2022.

SECTION 5. The department of Hawaiian home lands shall submit an annual report to the legislature on the first day of each regular session that includes:

- (1) An accounting of the expenditures for the purposes of this Act in the previous fiscal year; and
- (2) The number of applicants on the waiting list assisted.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000,000 or so much there of as may be necessary for fiscal year 2021-2022 for the purposes of this Act; provided that any moneys not encumbered for specific purposes shall lapse to the general fund on June 30, 2025.

The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

SECTION 7. The expenditure of funds, and programs to expend funds, under this Act shall be exempt from any rulemaking requirements of chapter 91, Hawaii Revised Statutes.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. This Act shall take effect upon its approval.

(Approved July 11, 2022.)

ACT 280

S.B. NO. 3041

A Bill for an Act Making Appropriations for Claims Against the State, its Officers, or its Employees.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2021-2022 are appropriated out of the general revenues of the State of Hawaii to the department of the attorney general for the purpose of satisfying claims for legislative relief as to the following named persons, firms, corporations, and entities, for claims against the State or its officers or employees for the overpayment of taxes, or for refunds, reimbursements, payments of judgments or settlements, or other liabilities, in the amounts set forth opposite their names:

ACT 280**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:****AMOUNT****1. MISCELLANEOUS CLAIMS:**

Sang Chol Bang	\$ 40.65
Rodney Baculpo	\$ 1,283.01
Darlene Vicente f/k/a Darlene Baculpo	\$ 1,283.00
Princeville Hotel, LP	\$ 383,119.65
Chad Q. Iwamoto	\$ 33,003.00
Robert Iwamoto QTIP Trust	\$ 4,605.24
BG Kauai Holdings, LLC	\$ 1,397.86
Foster Kern, LLC	\$ 8,500.00
Roger R. Cawagas	\$ 126.96
Michael S. Vincent	\$ 85.12
SUBTOTAL:	\$ 433,444.49

2. AGRIBUSINESS DEVELOPMENT CORPORATION:

Nā Kia'i Kai v. Nakatani, et al.	\$ 132,611.78
Civil No. 18-00005, USDC	Settlement
SUBTOTAL:	\$132,611.78

3. DEPARTMENT OF LAND AND NATURAL RESOURCES:

Kaupiko, et al. v. Dept. of Land and Natural Resources, State of Hawaii	\$ 145,736.28
Civil No. 20-0000125, First Circuit	Settlement
Civil No. CAAP-21-0000374, Intermediate Court of Appeals	
Carol Gallagher, et al. v. Lanihuli Community Development Corporation, et al.	\$ 225,000.00
Civil No. 16-1-1767-09 JPC, First Circuit	Settlement
SUBTOTAL:	\$ 370,736.28

4. DEPARTMENT OF PUBLIC SAFETY:

Anthony Chatman, et al. v. Max N. Otani	\$ 250,540.00
Civil No. 21-00268 JAO KJM, USDC	Settlement
Curt K.K. Tokunaga, et al. v. Dept. of Public Safety, State of Hawaii	\$ 150,000.00
Civil No. 18-1-0982-06, First Circuit	Settlement
Faatalale Auelua v. State of Hawaii	\$ 40,000.00
Civil No. 17-1-0802-05 GWBC, First Circuit	Settlement
HELG Administrative Services, LLC, as Special Administrator of the Estate of Daisy L. Kasitani, deceased, et al. v. Dept. of Public Safety, State of Hawaii	\$ 550,000.00
Civil No. 19-1-0348(2), Second Circuit	Settlement
Elizabeth Mueller v. Department of Public Safety, et al.	\$ 4,000,000.00
Civil No. 17-00571 HG WRP, USDC	Settlement
Michael J. O'Malley, et al. v. State of Hawaii, et al.	\$ 1,375,000.00
Civil No. 19-1-1021-06, First Circuit	Judgment
SUBTOTAL:	\$6,365,540.00

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

5. STATE PUBLIC CHARTER SCHOOL COMMISSION:

UPW on behalf of James Ah Sing v. Christina Kishimoto, et al. Case No. CE-01-539, Hawaii Labor Relations Board	\$ 125,275.38 Judgment
SUBTOTAL:	\$ 125,275.38

6. DEPARTMENT OF EDUCATION:

Jane Roe Parent, et al. v. State of Hawaii, et al. Civil No. 12-1-0474, Third Circuit	\$ 150,000.00 Judgment
SUBTOTAL:	\$ 150,000.00

7. DEPARTMENT OF HAWAIIAN HOME LANDS

Kalima, et al. v. State of Hawaii, et al. Civil No. 99-4771-12 LWC, First Circuit	\$ 328,000,000.00 Settlement
SUBTOTAL:	\$ 328,000,000.00
TOTAL (SECTION 1)	\$ 335,577,607.93

PART II

SECTION 2. Provided that of the legislative appropriation for the department of transportation for fiscal year 2021-2022 in section 3 of Act 88, Session Laws of Hawaii 2021, the following sum shall be expended from the fiscal year 2021-2022 budget (TRN 595, state highway funds) by the department of transportation for the purpose of satisfying claims for legislative relief as to the following named entity, for claims against the State or its officers or employees for payment of a settlement in the amount set forth opposite its name:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:

Markel American Insurance Company (Maui Oil Company)	\$ 138,000.00 Settlement
SUBTOTAL:	\$ 138,000.00
TOTAL (SECTION 2)	\$ 138,000.00

PART III

SECTION 3. The sums hereinabove may be paid to the respective persons, firms, corporations, or entities for the satisfaction or settlement of the respectively identified cases, and in several amounts hereinabove set forth or in lesser amounts deemed appropriate, upon checks issued by the comptroller; provided that departments shall obtain the approval of the attorney general before payment of any claim may be made.

SECTION 4. Notwithstanding the sums hereinabove stated as interest upon judgments against the State, payment of interest shall be limited to the period from the date of judgment, if applicable, to thirty days after the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, for those cases to which the statute applies.

ACT 281

SECTION 5. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2023, shall lapse.

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 11, 2022.)

ACT 281

H.B. NO. 2471

A Bill for an Act Relating to the Adequate Reserve Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 383-63, Hawaii Revised Statutes, is amended by amending the definition of “adequate reserve fund” to read as follows:

““Adequate reserve fund” means an amount that is equal to the amount derived by multiplying the benefit cost rate that is the highest during the ten-year period ending on November 30 of each year by the total remuneration paid by all employers, with respect to all employment for which contributions are payable during the last four calendar quarters ending on June 30 of the same year, as reported on contribution reports filed on or before October 31 of the same year. “Remuneration”, as used in this definition, means wages as defined in section 383-10. For the purpose of determining the highest benefit cost rate, the benefit cost rate for the first twelve-consecutive-calendar-month period beginning with the first day of the first month of the ten-year period and for each succeeding twelve-consecutive-calendar-month period beginning with the first day of each subsequent month shall be computed.

Effective for the calendar years 1992 through 2007, and for calendar year 2011, “adequate reserve fund” means an amount that is equal to the amount derived by multiplying the benefit cost rate that is the highest during the ten-year period ending on November 30 of each year by the total remuneration paid by all employers, with respect to all employment for which contributions are payable during the last four calendar quarters ending on June 30 of the same year, as reported on contribution reports filed on or before October 31 of the same year. [~~“Remuneration”, as used in this definition, means wages as defined in section 383-10. For the purpose of determining the highest benefit cost rate, the benefit cost rate for the first twelve-consecutive-calendar-month period beginning with the first day of the first month of the ten-year period and for each succeeding twelve-consecutive-calendar-month period beginning with the first day of each subsequent month shall be computed.~~]

Effective for the calendar years 2023 through 2030, “adequate reserve fund” means an amount that is equal to the amount derived by multiplying the benefit cost rate that is the highest during the ten-year period ending on November 30 of each year by the total remuneration paid by all employers, with respect to all employment for which contributions are payable during the last four calendar quarters ending on June 30 of the same year, as reported on contribution reports filed on or before October 31 of the same year, but shall not include the benefit cost rate from June 2020 through August 2021.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

ACT 282

S.B. NO. 3369

A Bill for an Act Relating to Procurement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that procurement activities throughout the State may not be consistently compliant with chapters 103D (the Hawaii Public Procurement Code) and 103F (relating to purchases of health and human services), Hawaii Revised Statutes, and the administrative rules adopted pursuant to those chapters. Many purchasers conduct procurement activities as part of their “other duties as assigned” and have minimal training and experience in public procurement. This can lead to mistakes resulting in increased costs to the government. The legislature finds that this is particularly true for the department of education, given the fact that many administrators at the school level are tasked with using the Hawaii express procurement system for repair and maintenance in addition to their primary duties, straining their already limited time and resources.

Accordingly, the purpose of this Act is to:

- (1) Establish a working group to develop a plan for the phased in consolidation of procurement services and staff within executive branch agencies within a five-year timespan, excluding the Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs;
- (2) Require the working group to make recommendations for attracting high-quality procurement professionals to the State; and
- (3) Appropriate funds to the state procurement office to support the activities of the working group.

SECTION 2. (a) There is established a procurement services consolidation working group, that shall:

- (1) Develop a plan for a five-year phased in consolidation, under the state procurement office, of all state executive branch procurement services and staff, except the Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs. The plan shall include:
 - (A) An identification of the specific positions and functions to be transferred from each department to the state procurement office;
 - (B) Proposed dates of transfer for each position and function;
 - (C) Proposed procurement facility, personnel, and operational infrastructure needs of the consolidated procurement agency, with projections on future integration needs as additional agencies’ procurement staff and services are added;
 - (D) Recommendations to enable the state procurement office to provide expert support to the procurement activities of all

state agencies to meet the needs of the agencies and the public; and

- (E) Recommendations to ensure that agency services are not interrupted during the consolidation; and
- (2) Make recommendations to attract high-quality procurement professionals to the State, including the use of internships and the feasibility of exempting certain positions from the requirements of chapters 76 and 89, Hawaii Revised Statutes.
 - (b) Members of the working group shall include:
 - (1) The administrator of the state procurement office, who shall serve as chairperson;
 - (2) The director or chairperson of each principal executive branch department, or designee, excepting the Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs; and
 - (3) Any other person that the administrator of the state procurement office wishes to invite to serve on the working group.
 - (c) The working group shall be administratively attached to the department of accounting and general services. The state procurement office shall provide administrative support to the working group.
 - (d) The working group shall submit an interim report to the legislature, no later than twenty days prior to the convening of the regular session of 2023, and a final report of its findings and recommendations no later than twenty days prior to the convening of the regular session of 2024. The reports shall include:
 - (1) The plan for the phased in consolidation of state procurement services developed pursuant to subsection (a)(1), including a detailed five-year phased in schedule;
 - (2) Recommendations to attract high-quality procurement professionals to the State;
 - (3) Plans for the development and implementation of a multi-tiered certified training program to ensure that all procurement staff take necessary training to conduct procurement correctly;
 - (4) Plans for the implementation of an integrated accounting and procurement automation system; and
 - (5) Any proposed legislation.
 - (e) The working group shall dissolve on June 30, 2024.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the state procurement office to support the activities of the procurement services consolidation working group.

The sum appropriated shall be expended by the state procurement office for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

ACT 283

S.B. NO. 555

A Bill for an Act Relating to Campaign Fundraising.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that campaign fundraiser events held during legislative sessions diminish the public trust.

The purpose of this Act is to prohibit elected state and county officials from holding fundraiser events to raise contributions for which any price is charged or any contribution is suggested for attendance during regular or special sessions of the state legislature.

SECTION 2. Section 11-342, Hawaii Revised Statutes, is amended to read as follows:

~~“§11-342~~ **Fundraiser; fundraiser event; notice of intent[-]; when prohibited.** (a) No fundraiser shall be held unless a notice of intent to hold the fundraiser is filed with the commission setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the fundraiser, and the method thereof.

(b) The person in charge of the fundraiser shall file the notice with the commission prior to the fundraiser.

(c) During any regular session or special session of the state legislature, including any extension of any regular session or special session and any legislative recess days, holidays, and weekends, no elected official shall hold a fundraiser event.

~~(e)~~ (d) As used in this section[, “fundraiser”]:

“Elected official” means an individual who currently holds an elected state or county office, including the governor, lieutenant governor, state senator, state representative, trustee of the office of Hawaiian affairs, county mayor, county council member, county prosecuting attorney, and any individual appointed to serve in any of the aforementioned offices.

“Fundraiser” means any function held for the benefit of a candidate, candidate committee, or noncandidate committee that is intended or designed, directly or indirectly, to raise contributions for which the price or suggested contribution for attending the function is more than \$25 per person.

“Fundraiser event” means any function held for the benefit of an elected official that is intended or designed, directly or indirectly, to raise contributions for which any price is charged or any contribution is suggested for attending the function.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2023.

(Approved July 12, 2022.)

ACT 284

H.B. NO. 1588

A Bill for an Act Relating to Hazard Mitigation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Congress enacted the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act, Public Law 116-284, in 2021 to provide the conduit by which states can establish a revolving loan fund and make loans to local municipalities to conduct hazard mitigation and resiliency projects. The legislature further finds that, as emergencies become more prevalent, it is important for the State to take advantage of as many federal funding opportunities as possible.

The purpose of this Act is to:

- (1) Ensure that the State is ready to receive federal funds from the STORM Act by establishing the resilient Hawaii revolving loan fund;
- (2) Appropriate funds for the resilient Hawaii revolving loan fund; and
- (3) Establish and appropriate funds for two positions within the Hawaii emergency management agency to provide administrative support associated with the resilient Hawaii revolving loan fund.

SECTION 2. Chapter 127A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§127A- Resilient Hawaii revolving loan fund. (a) There is established in the state treasury the resilient Hawaii revolving loan fund, into which shall be deposited:

- (1) Funds from federal or private funding sources;
- (2) Moneys appropriated by the legislature to the fund;
- (3) Investment and interest earnings of the fund;
- (4) Moneys received as repayment of loans, including interest and payments received on account of principal; and
- (5) All other moneys received by the fund from any other source.

(b) Moneys in the resilient Hawaii revolving loan fund shall be used to provide low- or no-interest loans to the counties and nonprofit organizations for local resilience projects that address mitigation of all hazards, including natural disasters. Moneys in the resilient Hawaii revolving loan fund may be used for administrative support associated with the revolving loan fund, including the hiring of necessary staff.

(c) Loans from the resilient Hawaii revolving loan fund shall be for a fixed loan period and may be used to satisfy the nonfederal match for federal mitigation grants.

(d) The resilient Hawaii revolving loan fund shall be administered by the administrator. The administrator shall apply to the Federal Emergency Management Agency under the provisions of the Safeguarding Tomorrow through Ongoing Risk Mitigation Act, Public Law 116-284, when funding is available, to capitalize the fund. Appropriations or authorizations from the fund shall be expended by the agency. The agency shall prioritize making loans to projects it determines to have the greatest impact on eliminating hazards.

(e) The resilient Hawaii revolving loan fund shall be administered, operated, and maintained to remain available in perpetuity to provide loans and other financial assistance pursuant to this section and the federal Safeguarding Tomorrow through Ongoing Risk Mitigation Act. All moneys deposited or paid into the fund and any interest earned on the balance of the fund shall be continuously available to the administrator for expenditures consistent with this section and shall not lapse to the general fund.

(f) The director of finance shall hold and invest moneys in the resilient Hawaii revolving loan fund in investments as permitted by law.

(g) Moneys expended from the resilient Hawaii revolving loan fund shall be supplemental to and shall not take the place of funding that otherwise would be appropriated to the counties for resilience projects.

(h) The agency shall establish application procedures and eligibility criteria for loans from the resilient Hawaii revolving loan fund. The eligibility criteria shall require that a county or nonprofit organization demonstrate:

- (1) The need for a loan to address hazard mitigation; and
- (2) The ability to repay the loan, if required, at a later date.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the resilient Hawaii revolving loan fund.

SECTION 4. There is appropriated out of the resilient Hawaii revolving loan fund the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of this Act, including the establishment and hiring of:

- (1) One full-time equivalent (1.00 FTE) position to support the resilience branch of the Hawaii emergency management agency; and
- (2) One full-time equivalent (1.00 FTE) position to support the finance and administration section of the Hawaii emergency management agency.

The sum appropriated shall be expended by the Hawaii emergency management agency for the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 285

H.B. NO. 1893

A Bill for an Act Relating to the Oahu Regional Health Care System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Daniel K. Akaka state veterans home is currently under construction with an expected completion date of spring 2023. State veterans homes are facilities that provide long-term care for veterans, their spouses, and gold-star parents. State veterans homes are funded primarily through the United States Department of Veterans Affairs and medicare or medicaid funds.

The legislature further finds that the Daniel K. Akaka state veterans home is currently being constructed by the department of defense and department of accounting and general services. However, management, operation, and staffing of the Daniel K. Akaka state veterans home should be placed under a state agency able to manage a long-term care facility.

The purpose of this Act is to transfer the Daniel K. Akaka state veterans home to the Oahu regional health care system.

SECTION 2. (a) No later than June 30, 2023, the Daniel K. Akaka state veterans home on Oahu shall be assimilated into the Oahu regional health care system in a manner and to an extent that may be negotiated between the Oahu regional health care system and the department of defense. After assimilation, the physical assets and the ground lease of the Daniel K. Akaka state veterans home shall become the property of the Oahu regional health care system

and the Daniel K. Akaka state veterans home shall be managed by the Oahu regional health care system.

(b) None of the liabilities of the Daniel K. Akaka state veterans home in existence at the time the Daniel K. Akaka state veterans home is assimilated into the Oahu regional health care system shall become liabilities of the Oahu regional health care system.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

ACT 286

S.B. NO. 3085

A Bill for an Act Relating to the Hawaii Code of Military Justice.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to update the procedures and punitive sections of military justice within the state military forces. Chapter 124A, Hawaii Revised Statutes, relating to the Hawaii code of military justice, was enacted in 1982. This was the first major update to the code of military justice for the state military forces since 1894-1895. The current Hawaii code of military justice lacks the necessary disciplinary options to provide for effective and efficient good order and discipline in the state military forces. This Act will remedy those issues and bring the state military justice process in line with the Uniform Code of Military Justice.

The purpose of the proposed Hawaii code of military justice is to provide a comprehensive law setting forth military judicial procedures, which will apply to all members of the State’s military forces, primarily the National Guard units, while they are not in federal service. The Hawaii code is based on the Uniform Code of Military Justice as contained in title 10 United States Code sections 801 et seq. and the Model State Code of Military Justice that was proposed by the American Bar Association in 2005. Authorization for states to enact their codes of military justice is found in title 32 United States Code sections 326-328, except for provisions not applicable to or suitable for state military forces not in federal service. The Hawaii code continues to include provisions relating to apprehension, restraint, and confinement of suspects; punishable offenses; nonjudicial punishment; state courts-martial jurisdiction, composition, and trial procedures; and confinement.

The code also provides for the right of appeal through a civilian court process. This, and other features designed to ensure better protection of the rights of the individual without sacrificing command efficiency, are included in this version of the Hawaii code of military justice.

Accordingly, the purpose of this Act is to repeal and replace the Hawaii code of military justice.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII CODE OF MILITARY JUSTICE
PART I. GENERAL PROVISIONS**

§ -1 **Definitions.** In this chapter, unless the context otherwise requires:

“Accuser” means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

“Adjutant general” means the adjutant general of the State as defined in section 121-7.

“Apprehension” means the taking of a person into custody.

“Arrest” means the restraint of a person by an order, not imposed as a punishment for an offense, directing the person to remain within certain specified limits.

“Arrest in quarters” means the restraint involved is enforced by a moral obligation rather than by physical means. This punishment shall be imposed only on officers. An officer undergoing this punishment may be required to perform those duties prescribed by the Secretary of the Armed Service concerned; provided that an officer so punished shall be required to remain within that officer’s quarters during the period of punishment unless the limits of arrest are otherwise extended by appropriate authority. The quarters of an officer may consist of a military residence, whether a tent, stateroom, or other quarters assigned, or a private residence when government quarters have not been provided.

“Cadet” means any person who is enrolled in or attending a state military academy, a regional training institute, or any other formal education program for the purpose of becoming a commissioned officer in the state military forces.

“Candidate” shall have the same meaning as the term “cadet”, as defined in this section.

“Code” means the Hawaii Code of Military Justice.

“Commander” shall have the same meaning as the term “commanding officer”, as defined in this section.

“Commanding officer” includes:

- (1) Only commissioned officers of the state military forces; and
- (2) Officers in charge only when administering nonjudicial punishment under section -21.

“Commissioned officer” includes a commissioned warrant officer.

“Confinement” means the physical restraint of a person.

“Contemptuous words” means words or speech manifesting or expressing deep hatred or disapproval.

“Convening authority” includes, in addition to the person who convened the court, a commissioned officer commanding for the time being or a successor in command to the convening authority.

“Cowardly conduct” means conduct committed by an accused while the accused was before or in the presence of the enemy, that constitutes an act of cowardice that was the result of fear.

“Day” means calendar day and is not synonymous with the term “unit training assembly”. Any punishment authorized by this chapter and measured in terms of days shall, when served in a status other than annual field training, be construed to mean succeeding duty days.

“Disrespect” means behavior that detracts from the respect due the authority and person of a superior commissioned officer or fellow soldier. It may consist of acts or language, however expressed, and it is immaterial whether they refer to the superior as an officer or as a private individual. Disrespect by words may be conveyed by abusive epithets or other contemptuous or denunciatory language. Truth is no defense. Disrespect by acts includes neglecting the customary salute, or showing a marked disdain, indifference, insolence, impertinence, undue familiarity, or other rudeness in the presence of the superior officer or fellow soldier.

“Enlisted member” means a person in an enlisted grade.

“Governor” means the governor of the State.

“Grade” means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

“Judge advocate” means a commissioned officer of the organized state military forces who is a member in good standing of the bar of the highest court of a state, and is:

- (1) Certified or designated as a judge advocate in the Judge Advocate General’s Corps of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard, or a reserve component of one of the above;
- (2) Certified as a non-federally recognized judge advocate by the senior force judge advocate as competent to perform the military justice duties required by this chapter; or
- (3) Certified by a senior judge advocate of the commander of another force in the state military forces, as the convening authority directs; provided that there is no judge advocate available as described under paragraph (1) or (2).

“Legal officer” means any commissioned officer of the organized militia of the State designated to perform legal duties for a command.

“Midshipman” shall have the same meaning as the term “cadet”, as defined in this section.

“Military” refers to any or all of the armed forces.

“Military court” means a court-martial or court of inquiry.

“Military judge” means an official of a general or special court-martial detailed in accordance with part V of this chapter.

“Military offenses” means those offenses that are enumerated in part X of this chapter that do not have a corresponding offense in the civilian penal code.

“Officer” means a commissioned officer.

“Officer in charge” means a member of the state military forces designated by the appropriate authority.

“President” means the detailed member senior in rank of a court-martial then serving.

“Rank” means the order of precedence among members of the state military forces.

“Record”, when used in connection with the proceedings of a court-martial or court of inquiry, means:

- (1) An official written transcript, written summary, or other writing relating to the proceedings; or
- (2) An official audiotape, videotape, digital image or file, or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced.

“Restriction” means the least severe form of deprivation of liberty. “Restriction” involves moral rather than physical restraint. The severity of this type of restraint depends on its duration and the geographical limits specified when the punishment is imposed. A person undergoing restriction may be required to report to a designated place at specified times if reasonably necessary to ensure that the punishment is being properly executed. Unless otherwise specified by the nonjudicial punishment authority, a person in restriction may be required to perform any military duty.

“Senior force judge advocate” means the senior judge advocate of the commander of the same force of the state military forces as the accused and who is that commander’s chief legal advisor.

“State judge advocate” means the commissioned officer responsible for supervising the administration of military justice in the state military forces.

“State military forces” means the National Guard of the State, as defined in title 32 United States Code section 101(3), the organized naval militia of the State, and any other military force organized under the laws of the State.

“Superior commissioned officer” means a commissioned officer superior in rank or command.

§ -2 Persons subject to this chapter; jurisdiction. (a) This chapter applies to all members of the state military forces at all times.

(b) Subject matter jurisdiction is established if a nexus exists between an offense, either military or non-military, and the state military forces. Courts-martial shall have primary jurisdiction of military offenses. A proper civilian court shall have primary jurisdiction of a non-military offense when an act or omission violates both this chapter and local criminal law, foreign or domestic. A court-martial may be initiated only after the civilian authority has declined to prosecute or dismissed the charge; provided that jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes shall be determined by the underlying offense.

§ -3 Jurisdiction to try certain personnel. (a) Each person discharged from the state military forces who is later charged with having fraudulently obtained the person’s discharge shall be subject to:

- (1) Section -68;
- (2) Trial by court-martial on that charge; and
- (3) After apprehension, this chapter while in the custody of the state military forces for that trial.

Upon conviction of that charge, the person shall be subject to trial by court-martial for all offenses under this chapter committed before the fraudulent discharge.

(b) No person who has deserted from the state military forces shall be relieved from amenability to the jurisdiction of this chapter by virtue of a separation from any later period of service.

§ -4 Dismissal of commissioned officer. (a) If any commissioned officer, dismissed by order of the governor, makes a written application for trial by court-martial, setting forth, under oath or affirmation, that the officer has been wrongfully dismissed, the governor, as soon as practicable, shall convene a general court-martial to try that officer on the charges for which the officer was dismissed. A court-martial so convened shall have jurisdiction to try the dismissed officer on those charges, and the officer shall be considered to have waived the right to plead any statute of limitations applicable to any offense with which the officer is charged. The court-martial may, as part of its sentence, adjudge the affirmance of the dismissal; provided that if the court-martial acquits the accused or if the sentence adjudged, as finally approved, or affirmed, does not include dismissal, the adjutant general shall substitute for the dismissal ordered by the governor a form of discharge authorized for administrative issue.

(b) If the governor fails to convene a general court-martial within six months from the presentation of an application for trial under this chapter, the adjutant general shall substitute for the dismissal ordered by the governor a form of discharge authorized for administrative issue.

(c) If a discharge is substituted for a dismissal under this chapter, only the governor may reappoint the officer of the commissioned grade and with the rank as, in the opinion of the governor, that former officer would have attained

had the former officer not been dismissed. The reappointment of the former officer shall be made only if a vacancy is available under applicable tables of organization. All time between the dismissal and the reappointment shall be considered as actual service for all purposes.

(d) If an officer is discharged from the organized militia by administrative action or by withdrawal of federal recognition boards proceedings under law or is dropped from the rolls by order of the governor, the officer shall have no right to trial under this section.

§ -5 Territorial applicability. (a) This chapter shall have applicability at all times and in all places; provided that either the person subject to this chapter is in a duty status or, if not in a duty status, there is a nexus between the act or omission constituting the offense and the efficient functioning of the state military forces; provided further that this grant of military jurisdiction shall neither preclude nor limit civilian jurisdiction over an offense, which shall be limited only by the prohibition of double jeopardy.

(b) Courts-martial and courts of inquiry may be convened and held in units of the state military forces while those units are serving outside the State with the same jurisdiction and powers as to persons subject to this chapter as if the proceedings were held inside the State, and offenses committed outside the State may be tried and punished either inside or outside the State.

§ -6 Judge advocates. (a) The governor, on the recommendation of the adjutant general, shall appoint an officer of the state military forces as state judge advocate. To be eligible for appointment, an officer shall be a member of the bar of the highest court of the State and shall have been a member of the bar of the State for at least five years.

(b) The adjutant general may appoint as many assistant state judge advocates as the adjutant general considers necessary. To be eligible for appointment, assistant state judge advocates shall be officers of the state military forces and members of the bar of the highest court of the State.

(c) The state judge advocate, state judge advocate's assistants, or senior force judge advocates in each of the state military forces or that judge advocate's delegates shall make frequent inspections in the field in supervision of the administration of military justice.

(d) Convening authorities shall at all times communicate directly with their staff judge advocates or legal officer in matters relating to the administration of military justice. The staff judge advocate or legal officer of any command may communicate directly with the staff judge advocate or legal officer of a superior or subordinate command, or with the state judge advocate.

(e) No person who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant or associate defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case shall later act as staff judge advocate or legal officer to any reviewing authority upon the same case.

§ -7 Rights of the victim of an offense under this chapter. A victim of an offense under this chapter shall retain all rights conferred under chapter 801D. Nothing in this chapter shall limit the rights of a victim of sexual assault that qualifies for representation by a special victims' counsel under title 10 United States Code section 1044e, as it applies to the National Guard.

PART II. APPREHENSION AND RESTRAINT

§ -11 Apprehension. (a) Any person authorized by this chapter or title 10 United States Code chapter 47, or by rules or regulations issued under either, any marshal of a court-martial appointed pursuant to this chapter, and any peace officer authorized by law, may apprehend persons subject to this chapter upon probable cause that an offense has been committed and that the person apprehended committed it.

(b) Commissioned officers, warrant officers, petty officers, and non-commissioned officers may quell quarrels, affrays, and disorders among persons subject to this chapter and apprehend persons subject to this chapter who take part therein.

(c) If an alleged offender is apprehended outside the State, the alleged offender's return to the State shall be in accordance with normal extradition procedures or by reciprocal agreement.

(d) No person authorized by this section to apprehend persons subject to this chapter or place where the alleged offenders are confined, restrained, held, or otherwise housed may require payment of any fee or charge for so receiving, apprehending, confining, restraining, holding, or otherwise housing the persons except as provided by law.

§ -12 Apprehension of deserters. Any civil officer having authority to apprehend alleged offenders under the laws of the United States or this State or of a state, territory, commonwealth, or possession, or the District of Columbia, may summarily apprehend an alleged deserter from the state military forces and deliver the alleged deserter into the custody of the state military forces. If an alleged offender is apprehended outside the State, the alleged offender's return to the State shall be in accordance with normal extradition procedures or reciprocal agreement.

§ -13 Imposition of restraint. (a) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this chapter or through any person authorized by this chapter to apprehend persons. A commanding officer may authorize warrant officers, petty officers, or non-commissioned officers to order enlisted members of the commanding officer's command or subject to the commanding officer's authority into arrest or confinement.

(b) A commissioned officer or warrant officer may be ordered apprehended or into arrest or confinement only by a commanding officer to whose authority the commissioned officer or warrant officer is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order the persons apprehended or into arrest or confinement shall not be delegated.

(c) No person shall be ordered apprehended or into arrest or confinement except for probable cause.

(d) This section shall not limit the authority of persons authorized to apprehend an alleged offender to secure the custody of the alleged offender until the proper authority is notified.

§ -14 Restraint of persons charged with offenses. (a) Subject to subsection (b), any person subject to this chapter may be ordered into arrest or confinement as the circumstances require.

(b) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

(c) When any person subject to this chapter is placed in arrest or confinement before trial:

(1) Immediate steps shall be taken to inform the person of the specific charge or offense of which the person is accused; and

(2) Diligent steps shall be taken to try the person or to dismiss the charges and release the person.

(d) To facilitate compliance with subsection (c), the governor shall adopt rules setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section -54.

§ -15 Place of confinement; reports and receiving of prisoners. (a) If a person subject to this chapter is confined before, during, or after trial, confinement shall be in a state correctional facility designated by the governor, or by a person authorized by the governor to act, or a military confinement facility.

(b) No person authorized to receive prisoners pursuant to subsection (a) shall refuse to receive or keep any prisoner committed to the person's charge by a commissioned officer of the state military forces when the committing officer furnishes a statement signed by the officer of the offense charged against the prisoner, unless otherwise authorized by law.

(c) Every person authorized to receive prisoners pursuant to subsection (a) to whose charge a prisoner is committed shall, within twenty-four hours after that commitment or as soon as the person is relieved from guard, report to the commanding officer of the prisoner the name of the prisoner, the offense charged against the prisoner, and the name of the person who ordered or authorized the commitment.

(d) State correctional facilities shall not charge the state military forces for the cost of receiving or detaining a person pursuant to this chapter.

§ -16 Punishment prohibited before trial. Subject to section -93, no person while being held for trial or awaiting a verdict shall be subjected to punishment or penalty other than arrest or confinement upon the charge pending against the person, nor shall the arrest or confinement imposed upon the person be any more rigorous than the circumstances require to insure the person's presence; provided that the person may be subjected to minor punishment during that period for infractions of discipline.

§ -17 Delivery of alleged offenders to civil authorities. (a) A person subject to this chapter accused of an offense against civil authority may be delivered upon request to the civil authority for trial or confinement.

(b) When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for the offender's offense shall, upon the request of competent military authority, be returned to military custody for the completion of the offender's sentence.

PART III. NONJUDICIAL PUNISHMENT

§ -21 Commanding officer's nonjudicial punishment. (a) In accordance with rules adopted by the governor, any commanding officer may impose

disciplinary punishments for minor offenses without the intervention of a court-martial pursuant to this section. The governor, the adjutant general, or an officer of a general or flag rank in command may delegate the powers under this section to a principal assistant who is a member of the state military forces.

(b) Any commanding officer may impose upon enlisted members of the officer's command:

- (1) An admonition;
- (2) A reprimand;
- (3) The withholding of privileges for no more than six months that need not be consecutive;
- (4) The forfeiture of pay of no more than seven days' pay;
- (5) A fine of no more than seven days' pay;
- (6) A reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;
- (7) Extra duties for no more than fourteen days that need not be consecutive; and
- (8) Restriction to certain specified limits, with or without suspension from duty, for no more than fourteen days that need not be consecutive.

(c) Any commanding officer of the grade of O-4 or above may impose upon enlisted members of the officer's command:

- (1) Any punishment authorized in subsections (b)(1), (2), and (3);
- (2) The forfeiture of not more than one-half of one month's pay per month for two months;
- (3) A fine of no more than one month's pay;
- (4) A reduction to the lowest or any intermediate pay grade if the soldier or airmen is in the grade of E-6 or below; provided that an enlisted member in a pay grade above E-4 shall not be reduced more than two pay grades;
- (5) Extra duties for no more than fourteen days that need not be consecutive; and
- (6) Restriction to certain specified limits, with or without suspension from duty, for no more than sixty days that need not be consecutive.

(d) The governor, the adjutant general, an officer exercising general court-martial convening authority, or an officer of a general or flag rank in command may impose:

- (1) Upon officers of the officer's command:
 - (A) Any punishment authorized in subsections (c)(1), (2), (3), and (6); and
 - (B) Arrest in quarters for no more than thirty days that need not be consecutive; and
- (2) Upon enlisted members of the officer's command, any punishment authorized in subsection (c).

(e) Whenever any of those punishments are combined to run consecutively, the total length of the combined punishment shall not exceed the authorized duration of the longest punishment in the combination; provided that there shall be an apportionment of punishments so that no single punishment in the combination exceeds its authorized length under this section.

(f) Before the offer of nonjudicial punishment, the commanding officer shall determine whether arrest in quarters or restriction shall be considered as punishments; provided that if the commanding officer determines that the punishment options may include arrest in quarters or restriction, the accused

shall be notified of the right to demand trial by court-martial; provided further that if the commanding officer determines that the punishment options shall not include arrest in quarters or restriction, the accused shall be notified that there is no right to trial by courts-martial in lieu of nonjudicial punishment.

(g) The officer who imposes the punishment or the successor in command may at any time suspend, set aside, mitigate, or remit any part or amount of the punishment and restore all rights, privileges, and property affected. The officer may also mitigate:

- (1) Reduction in grade to forfeiture of pay;
- (2) Arrest in quarters to restriction; or
- (3) Extra duties to restriction.

The mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated. Reduction in grade shall be mitigated to forfeiture of pay only within four months after the date of execution.

(h) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority within fifteen days after the punishment is either announced or sent to the person punished, as the commander may determine. The appeal shall be promptly forwarded and decided; provided that the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (g) by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority that is to act on the appeal may refer the case to a judge advocate for consideration and advice.

(i) The imposition and enforcement of disciplinary punishment under this section for any act or omission shall not be a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this section; provided that the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial and, when so shown, it shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(j) Whenever a punishment of forfeiture of pay is imposed under this section, the forfeiture may apply to pay accruing before, on, or after the date that punishment is imposed.

(k) Rules may prescribe the form of records to be kept of proceedings under this section and may prescribe that certain categories of those proceedings shall be in writing.

PART IV. COURT-MARTIAL JURISDICTION

§ -31 Courts-martial classified; general courts-martial; special courts-martial; summary courts-martial. (a) There shall be three kinds of courts-martial in each of the state military forces as follows:

- (1) General courts-martial, as described in subsection (b);
 - (2) Special courts-martial, as described in subsection (c); and
 - (3) Summary courts-martial, as described in subsection (d).
- (b) General courts-martial shall consist of:
- (1) A military judge and no less than eight members; or

- (2) A military judge alone, if before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed only of a military judge and the military judge approves the request.
- (c) Special courts-martial shall consist of:
 - (1) A military judge and no less than four members; or
 - (2) A military judge alone:
 - (A) If the case is so referred by the convening authority, subject to section -34; or
 - (B) If the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally or on the record or in writing, a court composed of a military judge alone and the military judge approves the request.
- (d) Summary courts-martial shall consist of one commissioned officer.

§ -32 Jurisdiction of courts-martial in general. Each component of the state military forces shall have court-martial jurisdiction over all members of the particular component who are subject to this chapter. Additionally, the Hawaii army and air national guard shall have court-martial jurisdiction over all members subject to this chapter.

§ -33 Jurisdiction of general courts-martial. Subject to section -32, general courts-martial shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, and may, under limitations as prescribed by the governor, adjudge any punishment not forbidden by this chapter.

§ -34 Jurisdiction of special courts-martial. (a) Subject to section -32, special courts-martial shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, and may, under limitations as prescribed by the governor, adjudge any punishment not forbidden by this chapter except dishonorable discharge, dismissal, confinement for more than one year, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for more than one year.

(b) Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section -31.

§ -35 Jurisdiction of summary courts-martial. (a) Subject to section -32, summary courts-martial shall have jurisdiction to try persons subject to this chapter, except officers, cadets, candidates, and midshipmen, for any offense made punishable by this chapter under limitations as prescribed by the governor.

(b) No person with respect to whom summary courts-martial have jurisdiction shall be brought to trial before a summary court-martial if that person objects thereto. If objection to trial by summary court-martial is made by an accused, trial by special or general court-martial may be ordered as appropriate. Summary courts-martial may, under limitations as prescribed by the governor, adjudge any punishment not forbidden by this chapter except dismissal, dishonorable or bad-conduct discharge, confinement for more than one month, restric-

tion to specified limits for more than two months, or forfeiture of more than two-thirds of one month's pay.

(c) A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial shall not constitute a criminal conviction.

PART V. COMPOSITION OF COURTS-MARTIAL

§ -41 Who may convene general courts-martial. (a) General courts-martial may be convened by:

- (1) The governor;
- (2) The adjutant general;
- (3) The commanding officer of a force of the state military forces;
- (4) The commanding officer of a division or separate brigade; or
- (5) The commanding officer of a separate wing.

(b) If any commanding officer authorized under subsection (a) is an accuser, the court shall be convened by superior competent authority and may in any case be convened by the superior authority if considered desirable by the authority.

§ -42 Who may convene special courts-martial. (a) Special courts-martial may be convened by:

- (1) Any person who may convene a general court-martial;
- (2) The commanding officer of a garrison, fort, post, camp, station, or army or air national guard base;
- (3) The commanding officer of a brigade, regiment, detached battalion, or corresponding unit of the Army;
- (4) The commanding officer of a wing, group, separate squadron, or corresponding unit of the Air Force; or
- (5) The commanding officer or officer in charge of any other command when empowered by the adjutant general.

(b) If any officer authorized under subsection (a) is an accuser, the court shall be convened by superior competent authority and may, in any case, be convened by the superior authority if considered desirable by the authority.

§ -43 Who may convene summary courts-martial. (a) Summary courts-martial may be convened by:

- (1) Any person who may convene a general or special court-martial;
- (2) The commanding officer of a detached company or other detachment, or corresponding unit of the Army;
- (3) The commanding officer of a detached squadron or other detachment, or corresponding unit of the Air Force; or
- (4) The commanding officer or officer in charge of any other command when empowered by the adjutant general.

(b) When only one commissioned officer is present with a command or detachment, that officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases. Summary courts-martial may be convened in any case by superior competent authority if considered desirable by the authority.

§ -44 Who may serve on courts-martial. (a) Any commissioned officer of the state military forces shall be eligible to serve on all courts-martial for the trial of any person subject to this chapter.

(b) Any warrant officer of the state military forces shall be eligible to serve on general and special courts-martial for the trial of any person subject to this chapter, other than a commissioned officer.

(c) Any enlisted member of the state military forces who is not a member of the same unit as the accused shall be eligible to serve on general and special courts-martial for the trial of any enlisted member subject to this chapter; provided that the member shall serve as a member of a court only if before the conclusion of a session called by the military judge under section -64 before trial or, in the absence of a session, before the court is assembled for the trial of the accused, the accused personally has requested orally on the record or in writing that enlisted members serve on it. After a request, the accused shall not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible enlisted members cannot be obtained on account of physical conditions or military exigencies. If the eligible enlisted members cannot be obtained, the court may be assembled and the trial held without the eligible enlisted members; provided that the convening authority shall make a detailed written statement to be appended to the record stating why eligible enlisted members could not be obtained.

(d) The accused in a court-martial with a military judge and members may, after the findings are announced and before any matter is presented in the sentencing phase, request, orally on the record or in writing, sentencing by members.

(e) When it can be avoided, no person subject to this chapter shall be tried by a court-martial of which any member is junior to the accused in rank or grade.

(f) When convening a court-martial, the convening authority shall detail as members of a court-martial members of the state military forces that in the convening authority's opinion are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of the state military forces shall be eligible to serve as a member of a general or special court-martial when that member is the accuser or a witness, or has acted as investigating officer or as counsel in the same case.

(g) The convening authority shall detail no less than the number of members necessary to impanel the court-martial under section -49.

(h) Before a court-martial is assembled for the trial of a case, the convening authority may excuse a member of the court from participating in the case. The convening authority may delegate the authority under this subsection to a judge advocate or to any other principal assistant judge advocate.

(i) For purposes of this section, "unit" means any regularly organized body of the state military forces no larger than a company, squadron, division of the naval militia, or body corresponding to one of them.

§ -45 Military judge of a general or special court-martial. (a) A military judge shall be detailed to each general and special court-martial. The military judge shall preside over each open session of the court-martial to which the military judge has been detailed.

(b) A military judge shall be:

- (1) An active or retired commissioned officer of an organized state military force;
- (2) A member in good standing of the bar of the highest court of the State or member of the bar of a federal court for at least five years; and

(3) Certified as qualified for duty as a military judge by the senior force judge advocate.

(c) In the instance when a military judge is not a member of the bar of the highest court of the State, the military judge shall be deemed admitted pro hac vice, subject to filing a certificate with the senior force judge advocate, setting forth the certifications as provided in subsection (b)(3).

(d) The military judge of a general or special court-martial shall be designated by the senior force judge advocate or a designee, for detail by the convening authority. Neither the convening authority nor any staff member of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to performance of duty as a military judge.

(e) No person shall be eligible to act as military judge in a case if that person is the accuser or a witness or has acted as investigating officer or a counsel in the same case.

(f) The military judge of a court-martial shall not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel nor vote with the members of the court.

§ -46 Military magistrates. (a) A military magistrate shall be a commissioned officer of the state military forces who is:

- (1) A member of the bar of the highest court of this State; and
- (2) Certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the senior force judge advocate of the force that the officer is a member.

(b) In accordance with rules adopted by the governor or adjutant general, in addition to duties when designated under section -52, a military magistrate may be assigned to perform other duties of a nonjudicial nature.

§ -47 Detail of trial counsel and defense counsel. (a) For each general and special court-martial, the authority convening the court shall detail trial counsel and defense counsel, and their assistants as the convening authority considers appropriate.

(b) No person who has acted as investigating officer, military judge, or court member in any case shall act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, defense counsel, or assistant or associate defense counsel in the same case. No person who has acted for the prosecution shall act later in the same case for the defense, nor shall any person who has acted for the defense act later in the same case for the prosecution.

(c) Except as otherwise provided in subsection (d), trial counsel or defense counsel detailed for a general or special court-martial shall be:

- (1) A judge advocate; and
- (2) In the case of trial counsel, a member in good standing of the bar of the highest court of the state where the court-martial is held.

(d) In the instance when a defense counsel is not a member of the highest court of the State, the defense counsel shall be deemed admitted pro hac vice, subject to filing a certificate with the military judge setting forth the qualifications that counsel is:

- (1) A commissioned officer of the armed forces of the United States or a component thereof;
- (2) A member in good standing of the bar of the highest court of a state; and
- (3) Certified as a judge advocate.

§ -48 Detail or employment of reporters and interpreters. In accordance with rules adopted by the governor, the convening authority of a general or special court-martial or court of inquiry shall detail or employ qualified court reporters who shall record the proceedings of and testimony taken before that court. The convening authority of a military court may detail or employ interpreters who shall interpret for the court.

§ -49 Assembly and impaneling of members; detail of new members and military judges. (a) The military judge shall announce the assembly of a general or special court-martial with members. After a court-martial is assembled, no member shall be absent unless the member is excused:

- (1) As a result of a challenge;
- (2) Under subsection (b)(2); or
- (3) By order of the military judge or convening authority for disability or other good cause.

(b) In accordance with rules adopted by the governor or adjutant general, the military judge of a general or special court-martial with members shall:

- (1) After determination of challenges, impanel the court-martial; and
- (2) Excuse the members who, having been assembled, are not impaneled.

(c) In a general court-martial, the military judge shall impanel eight members. In a special court-martial, the military judge shall impanel four members.

(d) In addition to members under subsection (c), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

(e) If, after members are impaneled, the membership of the court-martial is reduced to:

- (1) Fewer than six members with respect to a general court-martial; or
- (2) Fewer than four members with respect to a special court-martial,

the trial shall not proceed unless the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient in number to provide the membership specified in subsection (f).

(f) The membership referred to in subsection (e) shall be as follows:

- (1) At least six but not more than eight members with respect to a general court-martial; or
- (2) Four members with respect to a special court-martial.

(g) If the military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

(h) In the case of new members under subsection (e), the trial may proceed with new members present after the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played in the presence of the new members, the military judge, the accused, and counsel for both sides.

(i) In the case of a new military judge under subsection (g), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played in the presence of the new military judge, the accused, and counsel for both sides.

PART VI. PRE-TRIAL PROCEDURE

§ -51 Charges and specifications. (a) Charges and specifications:

- (1) May be referred only by a person subject to this chapter; and

- (2) Shall be referred by presentment in writing, signed under oath or affirmation before a commissioned officer of the armed forces who is authorized to administer oaths or affirmations, and shall state that:
 - (A) The signer has personal knowledge of or has investigated the matters set forth in the charges and specifications; and
 - (B) The matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.
- (b) When charges and specifications are referred under subsection (a), the proper authority shall, as soon as practicable:
 - (1) Inform the person accused of the charges and specifications; and
 - (2) Determine what disposition should be made of the charges and specifications in the interest of justice and discipline.

§ -52 Certain proceedings conducted before referral. (a) Proceedings may be conducted to review, or otherwise act on, the following matters before referral of charges and specifications to court-martial for trial in accordance with rules adopted by the governor or adjutant general:

- (1) Pre-referral investigative subpoenas;
- (2) Pre-referral warrants or orders for electronic communications;
- (3) Pre-referral matters referred by an appellate court; and
- (4) Pre-referral matters subject to section -7 for victims of sexual assault qualifying for a special victims' counsel under title 10 United States Code section 1044e, as it applies to the national guard.
- (b) The rules adopted under subsection (a) shall:
 - (1) Include procedures for the review of rulings that may be ordered under this section as the governor or adjutant general considers appropriate; and
 - (2) Provide limitations on the relief that may be ordered under this section as the governor or adjutant general considers appropriate.
- (c) If any matter in a proceeding under this section becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.
- (d) The governor or adjutant general shall adopt rules providing for the manner in which military judges shall be detailed to proceedings under subsection (a).
- (e) In accordance with rules adopted by the governor or adjutant general, a military judge detailed to a proceeding under subsection (a), other than a proceeding described in subsection (a)(2), may designate a military magistrate to preside over the proceeding.

§ -53 Compulsory self-incrimination prohibited. (a) No person subject to this chapter shall compel any person to incriminate the person's self or to answer any question the answer to which may tend to incriminate the person.

(b) No person subject to this chapter shall interrogate or request any statement from an accused or a person suspected of an offense without first informing the person of the nature of the accusation and advising the person that the person does not have to make any statement regarding the offense of which the person is accused or suspected and that any statement made by the person may be used as evidence against the person in a trial by court-martial.

(c) No person subject to this chapter shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(d) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against the person in a trial by court-martial.

§ -54 Preliminary hearing required before referral to general court-martial. (a) Except as provided in subsection (b), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (d).

(b) In accordance with rules adopted by the governor or adjutant general, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

(c) The purpose of the preliminary hearing shall be limited to determining the following:

- (1) Whether the specification alleges an offense under this chapter;
- (2) Whether there is probable cause to believe that the accused committed the offense charged;
- (3) Whether the convening authority has court-martial jurisdiction over the accused and over the offense; and
- (4) A recommendation as to the disposition that should be made of the case.

(d) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who:

- (1) Whenever practicable, shall be a judge advocate who is certified under section -47; or
- (2) Is not a judge advocate so certified, when it is not practicable to appoint a judge advocate because of exceptional circumstances. In the case of a hearing officer under this paragraph, a judge advocate who is certified under section -47 shall be available to provide legal advice to the hearing officer.

Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the government at the preliminary hearing.

(e) After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report, accompanied by a recording of the preliminary hearing under subsection (i), that includes the following:

- (1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (c), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial;
- (2) Recommendations for any necessary modifications to the form of the charges or specifications;
- (3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense that is relevant to a disposition under sections -51 and -54, in accordance with rules adopted by the governor or adjutant general; and
- (4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (j).

(f) The accused shall be advised of the charges against the accused and of the accused's right to be represented by counsel at the preliminary hearing

under this section. The accused shall have the right to be represented at the preliminary hearing as provided in section -63 and in rules adopted thereunder. The accused may cross-examine witnesses who testify at the preliminary hearing and present additional evidence that is relevant to the issues for determination under subsection (c).

(g) A victim shall not be required to testify at the preliminary hearing. A victim who declines to testify shall be deemed to not be available for purposes of the preliminary hearing. A declination under this subsection shall not serve as the sole basis for ordering a deposition under section -74.

(h) The presentation of evidence and examination, including cross-examination, of witnesses at a preliminary hearing shall be limited to the matters relevant to determinations under subsection (c).

(i) A preliminary hearing under subsection (a) shall be recorded by a suitable recording device. The victim may request the recording and shall have access to the recording in accordance with rules adopted by the governor or adjutant general.

(j) If evidence adduced in a preliminary hearing under subsection (a) indicates that the accused committed an uncharged offense, the hearing officer may consider the subject matter of that offense without the accused having first been charged with the offense if the accused is:

- (1) Present at the preliminary hearing;
- (2) Informed of the nature of each uncharged offense considered; and
- (3) Afforded the opportunities for representation, cross-examination, and presentation consistent with subsection (f).

(k) The requirements of this section are binding on all persons administering this chapter; provided that failure to follow the requirements shall not constitute jurisdictional error. A defect in a report under subsection (e) shall not be a basis for relief if the report is in substantial compliance with that subsection.

- (l) For purposes of this section, the term "victim" means a person who is:
- (1) Alleged to have suffered a direct physical, emotional, or pecuniary harm as a result of the matters set forth in a charge or specification being considered; and
 - (2) Named in one of the specifications.

§ -55 Advice to convening authority before referral to trial. (a) Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority shall not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that:

- (1) The specification alleges an offense under this chapter;
- (2) There is probable cause to believe that the accused committed the offense charged; and
- (3) A general court-martial would have jurisdiction over the accused and the offense.

(b) Together with the written advice provided under subsection (a), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

(c) When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under subsection (a) and the written recommendation of the staff judge advocate under subsection (b) with respect to each specification shall accompany the referral.

(d) Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

(e) Before referral for trial by general or special court-martial, changes may be made to charges and specifications:

- (1) To correct errors in form; and
- (2) When applicable, to conform to the substance of the evidence contained in a report under section -54.

(f) For purposes of this section, "referral" means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.

§ -56 Service of charges; commencement of trial. (a) In general, trial counsel detailed for a court-martial under section -47 shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

(b) Subject to subsection (c), no trial or other proceeding of a general or special court-martial, including any session under section -64, shall be held over the objection of the accused:

- (1) With respect to a general court-martial, from the time of service through the fifth day after the date of service; or
- (2) With respect to a special court-martial, from the time of service through the third day after the date of service.

(c) An objection under subsection (b) shall be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under subsection (b). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

PART VII. TRIAL PROCEDURE

§ -61 Governor or the adjutant general; rulemaking authority. Additional pretrial, trial, and post-trial procedures, including modes of proof, for cases arising under this chapter triable in courts-martial and other military tribunals, and procedures for courts of inquiry, shall be adopted by the governor or adjutant general by rule or as otherwise provided by law, and shall apply the principles of law and the rules of evidence generally recognized in military criminal cases in the courts of the armed forces that are not contrary to or inconsistent with this chapter.

§ -62 Unlawfully influencing action of court. (a) No authority convening a general, special, or summary court-martial, nor any other commanding officer or officer serving on the staff thereof, shall censure, reprimand, or admonish the court or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the court or with respect to any other exercise of its or their functions in the conduct of the proceeding. No person subject to this chapter shall attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to their judicial acts. This subsection shall not apply to:

- (1) General instructional or informational courses in military justice if the courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial; or

(2) Statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.

(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter shall, in preparing any report:

- (1) Consider or evaluate the performance of duty of any member as a member of a court-martial or witness therein; or
- (2) Give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which the member, as counsel, represented any accused before a court-martial.

§ -63 Duties of trial counsel and defense counsel. (a) The trial counsel of a general or special court-martial shall prosecute in the name of the State, and shall, under the direction of the court, prepare the record of the proceedings.

(b) The accused shall have the right to be represented in the accused's defense before a general or special court-martial or at a preliminary hearing under section -54 as provided in this section.

(c) The accused may be represented:

- (1) By military counsel detailed under section -47;
- (2) By military counsel of the accused's own selection if that counsel is reasonably available as determined under subsection (f); or
- (3) By civilian counsel if provided by the accused.

If the accused is represented by civilian counsel, military counsel detailed or selected under paragraph (1) or (2) shall act as associate counsel unless excused at the request of the accused.

(d) Except as provided under subsection (e), if the accused is represented by military counsel of the accused's own selection under subsection (c)(2), any military counsel detailed under subsection (c)(1) shall be excused.

(e) The accused shall not be entitled to be represented by more than one military counsel; provided that the person authorized under section -47 to detail counsel in their own discretion may:

- (1) Detail additional military counsel as assistant defense counsel; and
- (2) Approve a request from the accused that military counsel detailed under subsection (c)(1) act as assistant defense counsel, if the accused is represented by military counsel of the accused's own selection under subsection (c)(2).

(f) The senior force judge advocate shall determine whether the military counsel selected by the accused is reasonably available.

(g) In any court-martial proceeding resulting in a conviction, the defense counsel may:

- (1) Forward for attachment to the record of proceedings a brief of the matters that the defense counsel determines should be considered on behalf of the accused on review, including any objection to the contents of the record that the defense counsel considers appropriate;
- (2) Assist the accused in the submission of any matter under part IX; and
- (3) Take other actions authorized by this chapter.

(h) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when the assistant trial counsel is qualified to be a trial counsel as required by section -47, perform any duty imposed by

law, rule, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

(i) An assistant defense counsel of a general or special court-martial may perform any duty imposed by law, rule, or the custom of the service upon counsel for the accused.

§ -64 Sessions. (a) At any time after the service of charges have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to section -55, call the court into session without the presence of the members for the purpose of:

- (1) Hearing and determining motions raising defenses or objections that are capable of determination without trial of the issues raised by a plea of not guilty;
- (2) Hearing and ruling upon any matter that may be ruled upon by the military judge under this chapter, whether the matter is appropriate for later consideration or decision by the members of the court;
- (3) Holding the arraignment and receiving the pleas of the accused;
- (4) Conducting a sentencing proceeding and sentencing the accused under section -79; and
- (5) Performing any other procedural function that may be performed by the military judge under this chapter or rules adopted pursuant to section -61 that does not require the presence of the members of the court.

(b) Proceedings under subsection (a) shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record. These proceedings may be conducted notwithstanding the number of members of the court and without regard to section -49. If authorized by rule, and if at least one defense counsel is physically in the presence of the accused, the presence required by this subsection may otherwise be established by audiovisual technology, including video teleconferencing technology.

(c) When the members of a court-martial deliberate or vote, only the members shall be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

§ -65 Continuances. The military judge or a summary court-martial may for reasonable cause grant a continuance to any party for such time and as often as appears to be just.

§ -66 Challenges. (a) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge shall determine the relevancy and validity of challenges for cause and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered. Notwithstanding section -31, if exercises of a challenge for cause reduces the court below the number of members required by section -49, all parties shall either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court; provided that peremptory challenges shall not be exercised at that time.

(b) Each accused and the trial counsel shall be entitled initially to one peremptory challenge of members of the court. The military judge shall not

be challenged except for cause. Notwithstanding section -31, if exercise of a peremptory challenge reduces the court below the number of members required by section -49, the parties shall either exercise or waive any remaining peremptory challenge not previously waived against the remaining members of the court before additional members are detailed to the court.

(c) Whenever additional members are detailed to the court, and after any challenges for cause against those members are presented and decided, each accused and the trial counsel shall be entitled to one peremptory challenge against members not previously subject to peremptory challenge.

§ -67 Oaths or affirmations. (a) Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant or associate defense counsel, reporters, and interpreters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. The form of the oath or affirmation, the time and place of the taking thereof, the manner of recording the same, and whether the oath or affirmation shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed by rule or as provided by law. The rules may provide that an oath or affirmation to perform faithfully duties as a military judge, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant or associate defense counsel, reporter, or interpreter may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; provided that if an oath or affirmation is taken it shall not again be taken at the time the judge advocate or other person is detailed to that duty.

(b) Each witness before a court-martial shall be examined on oath or affirmation.

§ -68 Statute of limitations. (a) A person charged with desertion or absence without leave in time of war, aiding the enemy, or mutiny may be tried and punished at any time without limitation.

(b) Except as otherwise provided in this section, a person charged with desertion in time of peace or with the offense punishable under section -139 shall not be liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(c) Except as otherwise provided in this section, a person charged with any offense shall not be liable to be tried by court-martial or punished under section -21 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under section -21.

(d) Periods in which the accused was absent from territory in which the State has the authority to apprehend the accused, in the custody of civil authorities, or in the hands of the enemy shall be excluded in computing the period of limitation prescribed in this section.

(e) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this section.

(f) When the United States is at war, the running of any statute of limitations applicable to any offense under this chapter:

- (1) Involving fraud or attempted fraud against the United States, any state or territory, or any agency of either in any manner, whether by conspiracy or not;

- (2) Committed in connection with the acquisition, care, handling, custody, control, or disposition of any real or personal property of the United States or any state or territory; or
- (3) Committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation, or other termination or settlement of any contract, subcontract, or purchase order that is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or government agency,

shall be suspended until two years after the termination of hostilities as proclaimed by the President of the United States or by a joint resolution of Congress.

(g) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

- (1) Has expired; or
- (2) Will expire within one hundred eighty days after the date of dismissal of the charges and specifications,

trial and punishment under new charges and specifications shall not be barred by the statute of limitations if the conditions specified in subsection (h) are met.

(h) New charges and specifications shall:

- (1) Be received by an officer exercising summary court-martial jurisdiction over the command within one hundred eighty days after the dismissal of the charges or specifications; and
- (2) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

§ -69 Former jeopardy. (a) No person shall without the person's consent be tried a second time in any military court of the State for the same offense.

(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be a trial under this section until the finding of guilty has become final after review of the case has been fully completed.

(c) A court-martial with a military judge alone is a trial in the sense of this section if, without fault of the accused:

- (1) After introduction of evidence; and
- (2) Before announcement of findings under section -79,

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

(d) A court-martial with a military judge and members is a trial in the sense of this section if, without fault of the accused:

- (1) After the members, having taken an oath or affirmation as members under section -67 and after completion of challenges under section -66, are impaneled; and
- (2) Before announcement of findings under section -79,

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

§ -70 Pleas of the accused. (a) A plea of not guilty shall be entered in the record, and the court shall proceed as though an accused had pleaded not guilty if:

- (1) The accused after arraignment makes an irregular pleading;
- (2) The accused after a plea of guilty sets up matter inconsistent with the plea;

(3) It appears that the accused has entered the plea of guilty improvidently or through a lack of understanding of its meaning and effect;
or

(4) The accused fails or refuses to plead.

(b) With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn before announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

(c) A variance from the requirements of this section is harmless error if the variance does not materially prejudice the substantial rights of the accused.

§ -71 Opportunity to obtain witnesses and other evidence. (a) In a case referred for trial by court-martial, the trial counsel, defense counsel, and court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with rules adopted by the governor or adjutant general or as provided by law.

(b) Any subpoena or other process issued under this section shall:

(1) Except as otherwise permitted by the court for good cause, be in a form similar to the one that courts of the State having criminal jurisdiction may issue or properly accept;

(2) Be executed in accordance with rules adopted by the governor or adjutant general or as provided by law; and

(3) Run to any part of the State and shall be executed by civil officers as prescribed by the laws of the State.

(c) A subpoena or other process may be issued to compel a witness to appear and testify:

(1) Before a military court;

(2) At a deposition under section -74; or

(3) As otherwise authorized under this chapter.

(d) A subpoena or other process may be issued to compel the production of evidence:

(1) For a military court;

(2) For a deposition under section -74;

(3) For an investigation of an offense under this chapter; or

(4) As otherwise authorized under this chapter.

(e) An investigative subpoena under subsection (d)(3) may be issued before referral of charges to a court-martial only if a general court-martial convening authority has authorized counsel for the government to issue a subpoena or a military judge issues a subpoena pursuant to section -52.

(f) With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with sections -41, -42, or -45 may issue warrants or court orders for contents of, and records concerning, wire or electronic communications in the same manner as warrants and orders may be issued by courts of the State under chapter 803, subject to limitations as prescribed by the governor or adjutant general by rule or as prescribed by law.

(g) If a person requests relief from a subpoena or other process under this section on grounds that compliance is unreasonable, oppressive, or prohibited by law, a military judge detailed in accordance with sections -41, -42, or -45 shall review the request and shall:

(1) Order that the subpoena or other process be modified or withdrawn, as appropriate; or

(2) Order the person to comply with the subpoena or other process.

§ -72 Refusal of person not subject to chapter to appear, testify, or produce evidence. Any person not subject to this chapter who:

- (1) Has been duly subpoenaed to appear as a witness or to produce records before a military court or before any military or civil officer designated to take a deposition to be read into evidence before a court;
- (2) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the circuit court; and
- (3) Wilfully neglects or refuses to appear, qualify as a witness, or testify or to produce any evidence that the person may have been legally subpoenaed to produce,

shall be guilty of an offense against the State and a military court may punish the person in the same manner as the civil courts of the State.

§ -73 Contempt; authority to punish; punishment. (a) With respect to any proceeding under this chapter:

- (1) A military judge detailed to a court-martial or any other proceeding under this chapter;
- (2) Any military magistrate designated to preside under section -46; or
- (3) The president of a court of inquiry,

may punish for contempt any person who conducts themselves in violation of section 710-1077.

(b) The punishment for contempt under subsection (a) shall be the same as the punishments permitted under civilian criminal contempt of court laws and rules.

(c) A punishment imposed under this section:

- (1) If imposed by a military judge or military magistrate, may be reviewed in the same manner as review from the circuit courts of the State; and
- (2) If imposed by a court of inquiry, shall be subject to review by the convening authority in accordance with rules adopted by the governor or adjutant general, or as provided by law.

§ -74 Depositions. (a) At any time after charges have been signed, as provided in section -51, any party may take oral or written depositions unless an authority competent to convene a court-martial for the trial of those charges forbids it for good cause. If a deposition is to be taken before charges are referred for trial, an authority may designate commissioned officers to represent the prosecution and the defense and may authorize those officers to take the deposition of any witness.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the State or by the laws of the place where the deposition is taken to administer oaths or affirmations.

(d) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read into evidence before any court-martial or in any proceeding before a court of inquiry, if it appears that:

- (1) The witness resides or is beyond the county in which the court-martial or court of inquiry is ordered to sit;

- (2) The witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, non-amenability to process, or other reasonable cause is unable or refuses to appear and testify in person at the place of trial or hearing; or

- (3) The present whereabouts of the witness are unknown.

(e) Representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section -47. In addition, the accused shall have the right to be represented by civilian or military counsel in the same manner as counsel are provided for in section -63.

§ -75 Admissibility of sworn testimony from records of courts of inquiry. (a) In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained may, if otherwise admissible under the rules of evidence, be read into evidence by any party before a court-martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of the evidence.

(b) The sworn testimony admissible under subsection (a) may be read into evidence only by the defense in cases extending to the dismissal of a commissioned officer.

(c) The sworn testimony admissible under subsection (a) may be read into evidence before a court of inquiry or military board.

(d) Sworn testimony that is:

- (1) Recorded by audiotape, videotape, or similar method; and
- (2) Contained in the duly authenticated record of proceeding of a court of inquiry,

is admissible before a court-martial, court of inquiry, or military board, to the same extent as sworn testimony may be read into evidence before any body under subsections (a), (b), or (c).

§ -76 Lack of physical or mental responsibility; defense; commitment of accused for examination and treatment. (a) It is an affirmative defense in a trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe physical or mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect shall not otherwise constitute a defense.

(b) The accused shall have the burden of proving the defense of lack of physical or mental responsibility by clear and convincing evidence.

(c) Whenever lack of physical or mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall follow the forms and procedures of chapter 704.

(d) Notwithstanding the provisions of section -78 and subsection (c), the accused shall be found not guilty by reason of lack of physical or mental responsibility if:

- (1) A majority of the members of the court-martial present at the time the vote is taken determines that the defense of lack of physical or mental responsibility has been established by clear and convincing evidence; or
- (2) In the case of a court-martial composed of a military judge only, the military judge determines that the defense of lack of physical or mental responsibility has been established by clear and convincing evidence.

(e) Whenever there is reason to doubt the accused's fitness to proceed, the court may immediately suspend all further proceedings in the trial and conduct an examination in accordance with section 704-404.

(f) Any general or special court-martial where a person may be found guilty by reason of lack of physical or mental responsibility shall follow the same substance and procedures found in sections 704-410.5 through 704-417.

§ -77 Voting and rulings. (a) Voting by members of a general or special court-martial upon questions of challenge, upon the findings, and upon the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(b) The military judge of a general or special court-martial shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of physical or mental responsibility of the accused is final and constitutes the ruling of the court; provided that the military judge may change a ruling at any time during trial.

(c) Before a vote is taken on the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge the court that:

- (1) The accused must be presumed to be innocent until the accused's guilt is established by legal and competent evidence beyond reasonable doubt;
- (2) In the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;
- (3) If there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and
- (4) The burden of proof of establishing the guilt of the accused beyond reasonable doubt is upon the State.

(d) This section shall not apply to a court-martial composed of a military judge only. The military judge of a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of a court-martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

§ -78 Votes required for conviction, sentencing, and other matters. (a) No person shall be convicted of an offense in a general or special court-martial, other than:

- (1) After a plea of guilty under section -70;
- (2) By a military judge in a court-martial with a military judge alone under section -31; or
- (3) In a court-martial with members under section -31, by the concurrence of at least three-fourths of the members present when the vote is taken.

(b) Except as provided in subsections (a) and (c), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote; provided that a reconsideration of a finding of guilty or reconsideration of a sentence with a view toward decreasing the sentence may be made

by any lesser vote that indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

(c) Sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.

(d) A tie vote on a challenge under section -66 shall disqualify the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity shall be a determination against the accused. A tie vote on any other question shall be a determination in favor of the accused.

§ -79 Findings and sentencing. (a) A court-martial shall announce its findings and sentence to the parties as soon as determined.

(b) Except as provided in subsection (c), if the accused is convicted of an offense in a trial, the military judge shall sentence the accused.

(c) If the accused is convicted of an offense by general or special court-martial consisting of a military judge and members and the accused elects sentencing by members under section -44, the members shall sentence the accused.

(d) If the accused is found guilty of an offense in a trial by summary court-martial, the court-martial shall sentence the accused.

§ -80 Plea agreements. (a) At any time before the announcement of findings under section -79, the convening authority and the accused may enter into a plea agreement with respect to the following matters:

- (1) The manner in which the convening authority will dispose of one or more charges and specifications; and
- (2) Limitations on the sentence that may be adjudged for one or more charges and specifications.

(b) The military judge of a general or special court-martial shall not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

(c) The military judge of a general or special court-martial shall reject a plea agreement that:

- (1) Contains a provision that has not been accepted by both parties;
- (2) Contains a provision that is not understood by the accused;
- (3) Contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense prescribed by this chapter;
- (4) Is prohibited by law; or
- (5) Is contrary to or is inconsistent with rules adopted by the governor or adjutant general, or the Hawaii rules of penal procedure with respect to terms, conditions, or other aspects of plea agreements.

(d) Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the court-martial.

§ -81 Record of trial. (a) Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a recorder of the proceedings and authenticated by the signatures of the military judge and the senior member of the panel or military judge alone if presided by a judge alone. If the record cannot be authenticated by either the military judge or senior member of the panel, by reason of death, disability, or absence, it shall be signed by the next senior member of the panel in lieu of the military judge or senior officer. If both the military judge and

the senior member of the panel are unavailable, the record shall be authenticated by two members of the panel.

(b) Each summary court-martial shall keep a separate record of the proceedings in each case, and the record shall be certified in the manner required by rules adopted by the governor or adjutant general or as required by this chapter.

(c) Except as provided in subsection (d), the record shall contain matters as prescribed by the governor or adjutant general by rule.

(d) In accordance with rules adopted by the governor or adjutant general, a complete record of proceedings and testimony shall be prepared in any case of a sentence of dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.

(e) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as it is certified.

(f) In the case of a general or special court-martial, upon request, a copy of all prepared records of the proceedings of the court-martial shall be given to the victim of the offense if the victim testified during the proceedings. The records of the proceedings shall be provided without charge and as soon as the records are certified. The victim shall be notified of the opportunity to receive the records of the proceedings.

PART VIII. SENTENCES

§ -91 Cruel and unusual punishments prohibited. Punishment by flogging; branding, marking, or tattooing on the body; or any other cruel or unusual punishment shall not be adjudged by any court-martial or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

§ -92 Sentencing. (a) The punishment directed by a court-martial for an offense shall not exceed limits as prescribed by the governor or adjutant general for that offense; provided that in no instance shall a sentence exceed more than ten years confinement. A conviction by general court-martial of any offense for which an accused may receive a sentence of confinement for more than one year is a felony offense. Except for convictions by a summary court-martial, all other offenses are misdemeanors. Any conviction by a summary court-martial shall not be a criminal conviction.

(b) Except as provided in section -80(a), punishment for the following offenses shall include dismissal or dishonorable discharge, as applicable:

- (1) Sexual assault in the first degree under section 707-730;
- (2) Continuous sexual assault of a minor under the age of fourteen years under section 707-733.6;
- (3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section -134; or
- (4) Conspiracy to commit an offense specified in paragraph (1) or (2) that is punishable under section -135.

(c) In sentencing an accused under section -79, a court-martial shall impose punishment that is sufficient but not greater than necessary to promote justice and to maintain good order and discipline in the state military forces, taking into consideration:

- (1) The nature and circumstances of the offense and the history and characteristics of the accused;
- (2) The impact of the offense on:
 - (A) The financial, social, psychological, or medical well-being of any victim of the offense; and

- (B) The mission, discipline, or efficiency of the command of the accused and any victim of the offense;
- (3) The need for the sentence to:
 - (A) Reflect the seriousness of the offense;
 - (B) Promote respect for the law;
 - (C) Provide just punishment for the offense;
 - (D) Promote adequate deterrence of misconduct;
 - (E) Protect others from further crimes by the accused;
 - (F) Rehabilitate the accused; and
 - (G) Provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service; and
- (4) The sentences available under this chapter.
- (d) In announcing the sentence in a general or special court-martial in which the accused is sentenced by military judge alone under section 105-79, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.
 - (e) In a general or special court-martial in which the accused has elected sentencing by members, the court-martial shall announce a single sentence for all of the offenses of which the accused was found guilty.
 - (f) With the approval of the senior force judge advocate concerned, and consistent with standards and procedures set forth in rules adopted by the governor or adjutant general, the State may appeal a sentence to the intermediate appellate court of the State on the grounds that:
 - (1) The sentence violates the law; or
 - (2) The sentence is plainly unreasonable as determined in accordance with standards and procedures adopted by the governor or adjutant general.
 - (g) An appeal under subsection (f) shall be filed within sixty days after the date on which the judgment of a court-martial is entered into the record under section 105-105.

§ -93 Effective date of sentences. (a) A court-martial sentence shall be executed and take effect as follows:

- (1) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial shall take effect on the earlier of:
 - (A) The date that is fourteen days after the date on which the sentence is adjudged; or
 - (B) In the case of a summary court-martial, the date on which the sentence is approved by the convening authority;
- (2) Any period of confinement included in a sentence of a court-martial shall begin to run from the date the sentence is adjudged by the court-martial; provided that periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement;
- (3) If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal or in the case of an enlisted member, the sentence of a court-martial extends to a dishonorable discharge, that part of the sentence providing for dis-

missal shall not be executed until approved by the governor. The governor may commute, remit, or suspend the sentence, or any part of the sentence, as the governor sees fit. In a time of war or state of emergency the governor may commute a sentence of dismissal or dishonorable discharge to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter; and

- (4) Except as otherwise provided in this subsection, a general or special court-martial sentence shall be effective upon entry of judgment and a summary court-martial sentence shall be effective when the convening authority acts on the sentence.

(b) On application by an accused, the convening authority or, if the accused is no longer under that convening authority's jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned may, in their sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under that officer's jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

(c) In any case in which a court-martial sentences a person to confinement and review of the case under section -111 is pending, the governor may defer further service of the sentence to confinement while that review is pending.

(d) Appellate review is complete under this section when:

- (1) The time for the accused to file a petition for review by the Hawaii intermediate appellate court under section -111 has expired and the accused has not filed a timely petition for review and the case is not otherwise under review by that court; or
- (2) A review under section -111 is completed by the Hawaii intermediate appellate court and:
- (A) The time for the accused to file a petition for review by the Hawaii supreme court has expired and the accused has not filed a timely petition for the review and the case is not otherwise under review by that court;
- (B) The petition by the accused is rejected by the Hawaii supreme court; or
- (C) Review is completed in accordance with the judgment of the intermediate appellate court and review is completed in accordance with the judgment of the Hawaii supreme court.

(e) The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.

§ -94 Execution of confinement. (a) A sentence of confinement adjudged by a military court, whether the sentence includes discharge or dismissal and whether the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the forces of the state military forces or in any state correctional facility designated for that purpose. Persons so confined in a state correctional facility are subject to the same discipline and treatment as persons confined or committed to a state correctional facility by the courts of the State.

(b) The omission of the words "hard labor" from any sentence or punishment of a court-martial adjudging confinement shall not deprive the author-

ity executing that sentence or punishment of the power to require hard labor as a part of the punishment.

(c) The keepers, officers, and wardens of state correctional facilities designated by the governor, or by a person authorized by the governor to act under part II shall receive persons ordered into confinement before trial and persons committed to confinement by a military court and shall confine them according to law. No keeper, officer, or warden shall require payment of any fee or charge for so receiving or confining a person.

§ -95 Sentences; reduction in enlisted grade upon approval. (a) A court-martial sentence of an enlisted member in a pay grade above E-1, as set forth in the judgment of the court-martial entered into the record under section -105, that includes:

- (1) A dishonorable or bad-conduct discharge; or
- (2) Confinement,

shall reduce that member to pay grade E-1, if the reduction is authorized by rules adopted by the governor or adjutant general. The reduction in pay grade shall take effect on the date on which the judgment is so entered.

(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or reduced, or as finally affirmed does not include any punishment named in subsection (a)(1) or (2), the rights and privileges of which the member was deprived because of that reduction shall be restored to the member and the member shall be entitled to the pay and allowances to which the member would have been entitled, for the period the reduction was in effect, had the member not been so reduced.

§ -96 Sentences; forfeiture of pay and allowances during confinement. (a) A court-martial sentence described in subsection (b) shall result in the forfeiture of pay or of pay and allowances due that member during any period of confinement or parole. The forfeiture pursuant to this section shall take effect on the date determined under section -93 and may be deferred as provided in that section. The pay and allowances forfeited in the case of a general court-martial shall be all pay and allowances due that member during the period and in the case of a special court-martial shall be two-thirds of all pay due that member during the period.

(b) A sentence covered by this section is any sentence that includes:

- (1) Confinement for more than six months; or
- (2) Confinement for six months or less and a dishonorable or bad-conduct discharge or dismissal.

(c) In a case involving an accused who has dependents, the convening authority or other person acting under part IX may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid as the convening authority or other person taking action directs to the dependents of the accused.

(d) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or as finally approved does not provide for a punishment referred to in subsection (b), the member shall be paid the pay and allowances that the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

**PART IX. POST-TRIAL PROCEDURES AND REVIEW OF
COURTS-MARTIAL**

§ -101 Error of law; lesser included offense. (a) A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm so much of the finding as includes a lesser included offense.

§ -102 Post-trial processing in general and special courts-martial. (a) The military judge of a general or special court-martial shall enter into the record of trial a document entitled "statement of trial results" that shall set forth:

- (1) Each plea and finding;
- (2) The sentence, if any; and
- (3) Other information as prescribed by the governor or adjutant general by rule.

(b) Copies of the statement of trial results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

(c) In accordance with rules adopted by the governor or adjutant general, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that:

- (1) May affect a plea, a finding, the sentence, the statement of trial results, the record of trial, or any post-trial action by the convening authority; and
- (2) Are subject to resolution by the military judge before entry of judgment.

§ -103 Limited authority to act on sentence in specified post-trial circumstances. (a) The convening authority of a general or special court-martial described in subsection (b):

- (1) May act on the sentence of the court-martial only as provided in subsection (f), (g), (i), or (j); and
- (2) Shall not act on the findings of the court-martial.

(b) The courts-martial referred to subsection (a) are the following:

- (1) A general or special court-martial in which the maximum sentence of confinement for any offense of which the accused is found guilty is more than two years;
- (2) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months;
- (3) A general or special court-martial in which the sentence imposed includes a dismissal or dishonorable or bad-conduct discharge; and
- (4) A general or special court-martial in which the accused is found guilty of sexual assault in the first degree or continuous sexual assault of a minor under fourteen years of age or other offense as prescribed by the governor or adjutant general by rule.

(c) Except as provided in subsection (j), the convening authority shall act under this section only before entry of judgment.

(d) In accordance with rules adopted by the governor or adjutant general, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

(e) Except as provided in subsection (g), (i), or (j), the convening authority shall not reduce, commute, or suspend any of the following sentences:

(1) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months; or

(2) A sentence of dismissal or dishonorable or bad-conduct discharge.

(f) The convening authority may reduce, commute, or suspend any sentence not specified in subsection (e).

(g) Upon recommendation of the military judge, as included in the statement of trial results, together with an explanation of the facts supporting the recommendation, the convening authority may suspend:

(1) A sentence of confinement, in whole or in part; or

(2) A sentence of dismissal or dishonorable or bad-conduct discharge.

(h) Except as provided in subsection (i) or (j), the convening authority under subsection (g) shall not suspend:

(1) A mandatory minimum sentence; or

(2) A sentence to an extent in excess of the suspension recommended by the military judge.

(i) Upon recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

(j) Upon a recommendation by a trial counsel designated in accordance with rules adopted by the governor or adjutant general, if the accused after entry of judgment provides substantial assistance in the investigation or prosecution of another person, a convening authority as designated by rules may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

(k) In evaluating whether the accused has provided substantial assistance under this section, the convening authority may consider the pre-sentence assistance of the accused.

(l) In determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense in accordance with rules adopted by the governor or adjutant general. The rules shall include:

(1) Procedures for notice of the opportunity to make submissions;

(2) The deadlines for submissions; and

(3) Procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of or access to any admitted, unsealed exhibits.

(m) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless the matters were presented as evidence at trial and not excluded at trial.

(n) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

(o) If the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for the action.

(p) If the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the military judge for appropriate modification of the entry of judgment, which shall be transmitted to the senior force judge advocate for appropriate action.

§ -104 Post-trial actions in summary courts-martial and certain general and special courts-martial. (a) In a court-martial not specified in section -103(b), the convening authority may:

- (1) Dismiss any charge or specification by setting aside the finding of guilty;
- (2) Change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;
- (3) Disapprove the findings and the sentence and dismiss the charges and specifications;
- (4) Disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;
- (5) Disapprove, commute, or suspend the sentence, in whole or in part; or
- (6) Disapprove the sentence and order a rehearing as to the sentence.

(b) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under subsection (a).

(c) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

(d) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section -103(j). The action shall be forwarded to the trial judge, who shall ensure appropriate modification of the entry of judgment and shall transmit the entry of judgment to the senior force judge advocate for appropriate action.

(e) In accordance with rules adopted by the governor or adjutant general, a commissioned officer commanding a successor in command or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

(f) The convening authority shall not order a rehearing under this section:

- (1) As to the findings if there is insufficient evidence in the record to support the findings;
- (2) To reconsider a finding of not guilty of any specification or a ruling that amounts to a finding of not guilty; or
- (3) To reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge that sufficiently alleges a violation of law.

(g) In determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense in accordance with rules adopted by the governor or adjutant general. The rules shall include the matter required by section -103(l).

(h) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

(i) If the convening authority acts on the findings or sentence under subsection (a), the decision of the convening authority shall include a written explanation of the reasons for the action.

§ -105 Entry of judgment. (a) In accordance with rules adopted by the governor or adjutant general, in a general or special court-martial the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

- (1) The statement of trial results under section -102; and

- (2) Any modifications of, or supplements to, the statement of trial results by reason of:
 - (A) Any post-trial action by the convening authority; or
 - (B) Any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.
- (b) In accordance with rules adopted by the governor or adjutant general, the judgment under subsection (a) shall be:
 - (1) Provided to the accused and to any victim of the offense; and
 - (2) Made available to the public.
- (c) The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section -104 shall constitute the judgment of the court-martial and shall be recorded and distributed in accordance with rules adopted by the governor or adjutant general.

§ -106 Waiver of right to appeal; withdrawal of appeal. (a) After entry of judgment in a general or special court-martial, in accordance with rules adopted by the governor or adjutant general, the accused may waive the right to appeal. A waiver shall be:

- (1) Signed by the accused and by defense counsel; and
- (2) Attached to the record of trial.
- (b) In a general or special court-martial, the accused may voluntarily request dismissal of an appeal at any time in accordance with the Hawaii rules of appellate procedure.
- (c) A waiver or voluntary dismissal under this section bars review under section -111.

§ -107 Appeal by the State. (a) In a trial by general or special court-martial or in a pretrial proceeding under section -52, the State may appeal the following:

- (1) An order or ruling of the military judge that terminates the proceedings with respect to a charge or specification;
- (2) An order or ruling that excludes evidence that is substantial proof of a fact material in the proceeding;
- (3) An order or ruling that directs the disclosure of classified information;
- (4) An order or ruling that imposes sanctions for nondisclosure of classified information;
- (5) A refusal of the military judge to issue a protective order sought by the State to prevent the disclosure of classified information;
- (6) A refusal by the military judge to enforce an order described in paragraph (5) that has previously been issued by appropriate authority; or
- (7) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members.
- (b) An appeal of an order or ruling shall not be taken unless the trial counsel provides the military judge with written notice of appeal from the order or ruling within seventy-two hours of the order or ruling. The notice shall include a certification by the trial counsel that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one that excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.
- (c) An appeal of an order or ruling shall not be taken when prohibited by section -69.

(d) An appeal under this section shall be diligently prosecuted by appellate government counsel.

(e) An appeal under this section shall be forwarded to the court as prescribed in section -111.

(f) Any period of delay resulting from an appeal under this section shall be excluded in deciding any issue regarding denial of a speedy trial unless an appropriate authority determines that the appeal was filed solely for the purpose of delay with the knowledge that it was totally frivolous and without merit.

(g) The State may appeal a ruling or order of a military magistrate in the same manner as if the ruling or order had been made by a military judge; provided that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

(h) This section shall be liberally construed to effectuate its purposes.

§ -108 Rehearings. (a) Each rehearing under this chapter shall take place before a court-martial composed of members that are not members of the court-martial that first heard the case. Upon a rehearing, the accused shall not be tried for any offense of which the accused was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be adjudged unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory.

(b) If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section -80 and the accused at the rehearing does not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of the punishment that could have been adjudged at the first court-martial, subject to limitations as prescribed by the governor or adjutant general by rule.

(c) If, after appeal by the government under section -107, the sentence adjudged is set aside and a rehearing on sentence is ordered by the intermediate appellate court, the court-martial may impose any adjudged sentence, subject to limitations as prescribed by the governor or adjutant general by rule.

§ -109 Senior force judge advocate review of finding of guilty in summary court-martial. (a) In accordance with rules adopted by the governor or adjutant general, each summary court-martial in which there is a finding of guilty shall be reviewed by the senior force judge advocate or a judge advocate designated by the senior force judge advocate. A judge advocate shall not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense. The judge advocate's review shall be in writing and shall contain the following:

- (1) Conclusions as to whether:
 - (A) The court had jurisdiction over the accused and the offense;
 - (B) The charge and specification stated an offense; and
 - (C) The sentence was within the limits prescribed by law or by rule;
- (2) A response to each allegation of error made in writing by the accused; and
- (3) If the case is sent for action under subsection (b), a recommendation as to the appropriate action to be taken and an opinion as to whether corrective action is required as a matter of law.

(b) The record of trial and related documents in each case reviewed under subsection (a) shall be sent for action to the person exercising general court-martial jurisdiction over the accused at the time the summary court-martial was convened or to that person's successor in command if:

- (1) The judge advocate who reviewed the case recommends corrective action; or
- (2) Corrective action is otherwise required by rules adopted by the governor or adjutant general.

(c) The person to whom the record of trial and related documents are sent under subsection (b) may:

- (1) Approve or disapprove the findings or sentence, in whole or in part;
- (2) Remit, commute, or suspend the sentence in whole or in part;
- (3) Except where the evidence was insufficient at the trial to support the findings, order a rehearing on the findings, the sentence, or both; or
- (4) Dismiss the charges.

(d) Charges shall be dismissed if a rehearing is ordered but the convening authority finds a rehearing impracticable.

(e) If the opinion of the judge advocate in the judge advocate's review under subsection (a) is that corrective action is required as a matter of law and if the person required to take action under subsection (b) does not take action that is at least as favorable to the accused as that recommended by the judge advocate, the record of trial and action thereon shall be sent to the state judge advocate for review under this section.

§ -110 Transmittal and review of records. (a) If the judgment of a general or special court-martial entered under section -105 includes a finding of guilty, the record shall be transmitted to the state judge advocate for review.

(b) In all other cases not covered under subsection (a), records of trial by court-martial and related documents shall be transmitted and disposed of as the governor or adjutant general prescribe by rule or as required by law.

(c) The state judge advocate shall provide notice to the accused of the right to file an appeal under section -111 by means of depositing in the United States mail for delivery by first class certified mail to the accused at an address provided by the accused or, if no address has been provided by the accused at the latest address listed for the accused in the official service record of the accused.

(d) Subsection (c) shall not apply if the accused waives the right to appeal under section -106.

(e) A review shall be completed in each general and special court-martial appealed to the State's intermediate appellate court by the accused.

(f) A review conducted under this section shall be conducted by an attorney within the office of the judge advocate for the state military forces or by another attorney designated in accordance with rules adopted by the governor or adjutant general.

(g) A review shall include a written decision providing each of the following:

- (1) A conclusion as to whether the court had jurisdiction over the accused and the offense;
- (2) A conclusion as to whether the charge and specification stated an offense;
- (3) A conclusion as to whether the sentence was within the limits prescribed as a matter of law; and
- (4) A response to each allegation of error made in writing by the accused.

(h) A review shall be completed in each general and special court-martial if:

(1) The accused waives the right to appeal or voluntarily requests dismissal of appeal under section -106; or

(2) The accused does not file a timely appeal in a case eligible for appeal.

(i) A review shall include a written decision limited to providing conclusions on the matters specified in subsection (g)(1), (2), and (3).

(j) If after a review of record under subsection (f), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the state judge advocate, who may set aside the findings or sentence, in whole or in part.

(k) In setting aside the findings or sentence, the state judge advocate may order a rehearing; provided that a rehearing shall not be ordered in violation of section -69.

(l) If the state judge advocate sets aside the findings and sentence and does not order a rehearing, the state judge advocate shall dismiss the charges.

(m) If the state judge advocate sets aside the findings and orders a rehearing but the convening authority determines that a rehearing would be impracticable, the convening authority shall dismiss the charges.

§ -111 Review by state appellate authority. (a) An accused, who was tried by a special or general court-martial and is self aggrieved after the accused has exhausted all of the accused's rights of review under this part, shall be entitled to appeal the judgment or sentence of the special or general court-martial, as modified on review under this part before judicial review under this section, subject to chapter 602, in the manner provided for civil appeals from the circuit courts, and within the time provided by the rules of court.

(b) The filing of an appeal pursuant to subsection (a) shall not of itself stay the execution of the judgment or sentence appealed from; provided that the appellate court may stay the same upon motion and upon conditions as it deems proper, notwithstanding any law to the contrary relating to the effective date or execution of sentences.

(c) In reviewing the judgment or sentence of a special or general court-martial, as modified on review before judicial review, the appellate court may take any of the actions, and exercise any of the powers specified in section 641-16, as the court deems appropriate in reviewing a judgment or sentence of a military court-martial, and the court shall follow as appropriate or applicable the standards and requirements in section 641-16.

(d) Upon the request of the accused, the state judge advocate shall appoint appellate defense counsel in accordance with section -112, who is a member of the bar of the highest court of the State and who has been qualified as a judge advocate under section -47, to represent the accused in the accused's appeal of the court-martial judgment or sentence. If the accused wishes to be represented by civilian counsel rather than by appointed military counsel, the accused may do so at the accused's own expense.

§ -112 Appellate counsel. (a) The senior force judge advocate shall detail one or more judge advocates as appellate government counsel, and one or more judge advocates as appellate defense counsel, who are qualified under section -47.

(b) Appellate government counsel shall represent the State before the state intermediate appellate court or state supreme court when directed to do so by the senior force judge advocate. Appellate government counsel may represent

the State before federal courts in cases arising under this chapter when requested to do so by the state attorney general.

(c) Appellate defense counsel shall represent the accused before the state intermediate appellate court or state supreme court:

- (1) When requested by the accused;
- (2) When the State is represented by counsel; or
- (3) When the case is appealed under section -107.

(d) The accused shall have the right to be represented by civilian counsel if provided by the accused at no cost to the government.

(e) Military appellate counsel shall perform other functions in connection with the review of court-martial cases as the senior force judge advocate directs.

§ -113 Vacation of suspension. (a) Before the vacation of the suspension of a special court-martial sentence that includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The court-martial convening authority may detail a judge advocate, who is qualified under section -47, to conduct the hearing. The probationer shall be represented at the hearing by counsel if the probationer so desires.

(b) The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the governor in cases involving a general court-martial sentence and to the commanding officer of the force of the state military forces of which the probationer is a member in all other cases covered by subsection (a). If the governor or commanding officer vacates the suspension, any unexecuted part of the sentence except a dismissal shall be executed.

(c) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

§ -114 Petition for a new trial. At any time within two years after approval by the convening authority of a court-martial sentence that extends to dismissal or dishonorable or bad-conduct discharge, the accused may petition the governor for a new trial on the grounds of newly discovered evidence or fraud on the court-martial. If the accused's case is pending before the state intermediate appellate court or state supreme court, the state judge advocate shall refer the petition to the appropriate court for action. Otherwise, the state judge advocate shall act upon the petition.

§ -115 Remission and suspension. (a) The governor, the adjutant general, or a convening authority may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures.

(b) The governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

§ -116 Restoration. (a) In accordance with rules as the governor may adopt, all rights, privileges, and property affected by an executed part of a court-martial sentence that has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and the executed part is included in a sentence imposed upon the new trial or rehearing.

(b) If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the governor shall substitute a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of the accused's enlistment.

(c) If a previously executed sentence of dismissal is not imposed on a new trial, the governor shall substitute a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the governor alone to the commissioned grade and with the rank as in the opinion of the governor that former officer would have attained had the former officer not been dismissed. The reappointment of a former officer may be made if a position vacancy is available under the applicable tables of organization. All time between the dismissal and reappointment shall be considered as service for all purposes, including the right to pay and allowances.

(d) The governor or adjutant general shall adopt rules with limitations as the governor or adjutant general considers appropriate governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial is sentence¹ is set aside or disapproved.

§ -117 Finality of proceedings, findings, and sentences. The appellate review of records of trial provided under this chapter, the proceedings, findings, and sentences of courts-martial as reviewed and approved, as required by this chapter, and all dismissals and discharges carried into execution under sentences by courts-martial following review and approval, as required by this chapter, are final and conclusive. Orders publishing the proceedings of courts-martial and all actions taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the State, subject only to action upon a petition for a new trial as provided in section -114 and to action taken under section -115.

§ -118 Leave required to be taken pending review of certain court-martial convictions. In accordance with rules adopted by the governor or adjutant general, an accused who has been sentenced by a court-martial may be required to take leave pending completion of action under this part if the sentence includes an unsuspended dismissal or an unsuspended dishonorable or bad-conduct discharge. The accused may be required to begin the leave on the date of the entry of judgment under section -105 or at any time after that date, and the leave may be continued until the date on which action under this part is completed or may be terminated at any earlier time.

PART X. PUNITIVE SECTIONS

§ -131 Principals. Any person punishable under this chapter who:

- (1) Commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission; or
- (2) Causes an act to be done that, if directly performed by that person, would be punishable by this chapter,

is a principal.

§ -132 Accessory after the fact. Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent the offender's apprehension, trial, or punishment shall be punished as directed by a court-martial.

§ -133 Conviction of offense charged, lesser included offenses, and attempts. (a) An accused may be found guilty of any of the following:

- (1) The offense charged;
 - (2) A lesser included offense;
 - (3) An attempt to commit the offense charged; and
 - (4) An attempt to commit a lesser included offense if the attempt is an offense in its own right.
- (b) For purposes of this section, “lesser included offense” means:
- (1) An offense that is necessarily included in the offense charged; and
 - (2) Any lesser included offense so designated by rules adopted by the governor or adjutant general; provided that any designation of a lesser included offense shall be reasonably included in the greater offense.

§ -134 Attempts. (a) An act done with specific intent to commit an offense under this chapter that amounts to more than mere preparation and tending, even though failing to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as directed by a court-martial, unless otherwise specifically prescribed in this chapter.

(c) Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

§ -135 Conspiracy. Any person subject to this chapter who conspires with any other person to commit an offense under this chapter shall, if one or more of the conspirators does an act to affect the object of the conspiracy, be punished as directed by a court-martial.

§ -136 Soliciting commission of offenses. (a) Any person subject to this chapter who solicits or advises another to commit an offense under this chapter, other than an offense specified in subsection (b), shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who solicits or advises another to violate section -139, -151, or -157:

- (1) If the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and
- (2) If the offense solicited or advised is not attempted or committed, shall be punished as directed by a court-martial.

§ -137 Malingering. Any person subject to this chapter who, with the intent to avoid work, duty, or service:

- (1) Feigns illness, physical disability, mental lapse, or mental derangement; or
 - (2) Intentionally inflicts self-injury,
- shall be punished as directed by a court-martial.

§ -138 Breach of medical quarantine. Any person subject to this chapter:

- (1) Who is ordered into medical quarantine by a person authorized to issue the order; and

(2) Who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority, shall be punished as directed by a court-martial.

§ -139 **Desertion.** (a) Any member of the state military forces who:

- (1) Without authority goes or remains absent from the member's unit, organization, or place of duty with intent to remain away therefrom permanently;
- (2) Quits the member's unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or
- (3) Without being regularly separated from one of the state military forces enlists or accepts an appointment in the same or another one of the state military forces or in one of the armed forces of the United States without fully disclosing the fact that the member has not been regularly separated, or enters any foreign armed service except when authorized by the United States,

shall be guilty of desertion.

(b) Any commissioned officer of the state military forces who, after tender of the officer's resignation and before notice of its acceptance, quits the officer's post or proper duties without leave and with intent to remain away therefrom permanently shall be guilty of desertion.

(c) Any person found guilty of desertion or attempt to desert committed in a time of war shall be punished by confinement of no more than ten years or other punishment as directed by a court-martial; provided that if the desertion or attempt to desert occurs at any other time, punishment shall be as directed by a court-martial.

§ -140 **Absence without leave.** Any member of the state military forces who, without authority:

- (1) Fails to go to the member's appointed place of duty at the time prescribed;
- (2) Goes from that place; or
- (3) Absents the member's self or remains absent from the member's unit, organization, or place of duty at which the member is required to be at the time prescribed,

shall be punished as directed by a court-martial.

§ -141 **Missing movement; jumping from vessel.** (a) Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the state military forces shall be punished as directed by a court-martial.

§ -142 **Resistance, flight, breach of arrest, and escape.** Any person subject to this chapter who:

- (1) Resists apprehension;
- (2) Flees from apprehension;
- (3) Breaks arrest; or
- (4) Escapes from custody or confinement,

shall be punished as directed by a court-martial.

§ -143 Offenses against correctional custody and restriction. (a)

Any person subject to this chapter who:

- (1) Is placed in correctional custody by a person authorized to do so;
- (2) While in correctional custody, is under physical restraint; and
- (3) Escapes from the physical restraint before being released from the physical restraint by proper authority,

shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who:

- (1) Is placed in correctional custody by a person authorized to do so;
- (2) While in correctional custody, is under restraint other than physical restraint; and
- (3) Goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority,

shall be punished as directed by a court-martial.

(c) Any person subject to this chapter who:

- (1) Is ordered to be restricted to certain limits by a person authorized to do so; and
- (2) With knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority,

shall be punished as directed by a court-martial.

§ -144 Contempt toward officials. Any commissioned officer who uses contemptuous words against the President or Vice President of the United States, the United States Congress, the United States Secretary of Defense, the secretary of a military department, the United States Secretary of Homeland Security, or the governor or legislature of the State shall be punished as directed by a court-martial.

§ -145 Disrespect toward superior commissioned officer; assault of superior commissioned officer. (a) Any person subject to this chapter who behaves with disrespect toward that person's superior commissioned officer shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who strikes that person's superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer's office shall be punished:

- (1) If the offense is committed in time of war, by confinement of no more than ten years or other punishment as directed by a court-martial; and
- (2) If the offense is committed at any other time, by punishment as directed by a court-martial.

§ -146 Wilfully disobeying superior commissioned officer. Any person subject to this chapter who wilfully disobeys a lawful command of that person's superior commissioned officer shall be punished:

- (1) If the offense is committed in time of war, by confinement of no more than ten years or other punishment as directed by a court-martial; and
- (2) If the offense is committed at any other time, by punishment as directed by a court-martial.

§ -147 Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer. Any warrant officer or enlisted member who:

- (1) Strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of that officer's office;
- (2) Wilfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or
- (3) Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of that officer's office,

shall be punished as directed by a court-martial.

§ -148 Failure to obey order, regulation, or rule. Any person subject to this chapter who:

- (1) Violates or fails to obey any lawful general order, regulation, or rule;
- (2) Having knowledge of any other lawful order issued by a member of the state military forces, that it is that person's duty to obey, fails to obey the order; or
- (3) Is derelict in the performance of that person's duties,

shall be punished as directed by a court-martial.

§ -149 Cruelty and maltreatment. Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to that person's orders shall be punished as directed by a court-martial.

§ -150 Prohibited activities with a military recruit or trainee by a person in a position of special trust. (a) Any person subject to this chapter who:

- (1) Is an officer, a noncommissioned officer, or a petty officer;
- (2) Is in a training leadership position with respect to a specially protected junior member of the state military forces; and
- (3) Engages in prohibited sexual activity with the specially protected junior member of the state military forces,

shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who:

- (1) Is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or
- (2) Is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the state military forces who is enlisted under a delayed entry program,

shall be punished as directed by a court-martial.

(c) Consent shall not be a defense for any conduct at issue in a prosecution under this section.

(d) For purposes of this section:

"Applicant for military service" means a person who is an applicant for original enlistment or appointment in the state military forces under rules adopted by the Secretary concerned or the governor or adjutant general.

"Military recruiter" means a person who has the primary duty to recruit persons for military service under rules adopted by the Secretary concerned or the governor or adjutant general.

"Prohibited sexual activity" means inappropriate physical intimacy under circumstances as specified in rules adopted by the Secretary concerned or the governor or adjutant general.

"Specially protected junior member of the state military forces" means:

- (1) A member of the state military forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for

- training, including a member who is enlisted under a delayed entry program;
- (2) A member of the state military forces who is a cadet, a midshipman, an officer candidate, or a student in any other officer qualification program; or
 - (3) A member of the state military forces in any program that by regulation or rule adopted by the Secretary concerned or the governor or adjutant general, is identified as a training program for initial career qualification.

“Training leadership position” means, with respect to a specially protected junior member of the state military forces, any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers’ training corps unit, a training program for entry into the state military forces, or any program that, by rule adopted by the Secretary concerned or the governor or adjutant general, is identified as a training program for initial career qualification.

§ -151 **Mutiny or sedition.** (a) Any person subject to this chapter who:

- (1) With intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do that person’s duty or creates any violence or disturbance shall be guilty of mutiny;
- (2) With intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority shall be guilty of sedition; or
- (3) Fails to do that person’s utmost to prevent and suppress a mutiny or sedition being committed in the person’s presence or fails to take all reasonable means to inform the person’s superior commissioned officer or commanding officer of a mutiny or sedition that the person knows or has reason to believe is taking place shall be guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as directed by a court-martial.

§ -152 **Offenses by sentinel or lookout.** (a) Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved shall be punished:

- (1) If the offense is committed in time of war, by confinement of no more than ten years or other punishment as directed by a court-martial; and
- (2) If the offense is committed other than in time of war, by punishment as directed by a court-martial.

(b) Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as directed by a court-martial.

§ -153 **Disrespect toward sentinel or lookout.** Any person subject to this chapter who, knowing that another person is a sentinel or lookout:

- (1) Uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as sentinel or lookout; or

(2) Behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout,
shall be punished as directed by a court-martial.

§ -154 Release of prisoner without authority; drinking with prisoner.

(a) Any person subject to this chapter who:

(1) Without authority to do so, releases a prisoner; or
(2) Through neglect or designs, allows a prisoner to escape,
shall be punished as directed by a court-martial regardless of whether the prisoner was committed in strict compliance with the law.

(b) Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as directed by a court-martial.

§ -155 Unlawful detention. Any person subject to this chapter who, except as provided by law, apprehends, arrests, or confines any person shall be punished as directed by a court-martial.

§ -156 Misconduct as prisoner. Any person subject to this chapter who, while in the hands of the enemy in time of war:

(1) For the purpose of securing favorable treatment by the person's captors acts without proper authority in a manner contrary to law, custom, regulation, or rule to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or
(2) While in a position of authority over persons, maltreats the person without justifiable cause,
shall be punished as directed by a court-martial.

§ -157 Misbehavior before the enemy. Any member of the state military forces who before the presence of the enemy:

(1) Runs away;
(2) Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property that it is that person's duty to defend;
(3) Through disobedience, neglect, or intentional misconduct endangers the safety of any command, unit, place, or military property;
(4) Casts away the person's arms or ammunition;
(5) Is guilty of cowardly conduct;
(6) Quits the person's place of duty to plunder or pillage;
(7) Causes false alarms in any command, unit, or place under control of the state military forces;
(8) Wilfully fails to do the person's utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing that it is the person's duty so to encounter, engage, capture, or destroy; or
(9) Does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the state military forces or the armed forces belonging to the State, the United States or their allies, or any other state, commonwealth, or territory when engaged in battle,
shall be punished as directed by a court-martial.

§ -158 Subordinate compelling surrender. Any person subject to this chapter who compels or attempts to compel the commander of any place, vessel, aircraft, or other military property, or of any body of members of the

state military forces or the armed forces of the United States, to give it up to an enemy or to abandon it, or who strikes the color or flag to an enemy without proper authority, shall be punished as directed by a court-martial.

§ **-159 Improper use of countersign.** Any person subject to this chapter who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to that person's knowledge, the person was authorized and required to give, shall be punished as directed by a court-martial.

§ **-160 Forcing a safeguard.** Any person subject to this chapter who forces a safeguard shall be punished as directed by a court-martial.

§ **-161 Spies.** Any person who in time of war is found lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of the state military forces or of the United States armed forces, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by a general court-martial and on conviction shall be punished as directed by a court-martial.

§ **-162 Espionage.** (a) Any person subject to this chapter who, with intent or reason to believe that it is to be used to the injury of the State or the United States, or to another state, commonwealth, or territory of the United States, or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any entity described in subsection (b), either directly or indirectly, any thing described in subsection (c) shall be punished as directed by a court-martial.

(b) An entity referred to in subsection (a) is:

- (1) A foreign government;
- (2) A faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States; or
- (3) A representative, officer, agent, employee, subject, or citizen of a government, faction, party, or force.

(c) A thing referred to in subsection (a) is a document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the State or national defense.

§ **-163 Aiding the enemy.** Any person who:

- (1) Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or
- (2) Without proper authority, knowingly harbors or protects, gives intelligence to, communicates or corresponds with, or holds any intercourse with the enemy, either directly or indirectly,

shall be punished as directed by a court-martial.

§ **-164 Public record offenses.** Any person subject to this chapter who, wilfully and unlawfully:

- (1) Alters, conceals, removes, mutilates, obliterates, or destroys a public record; or
- (2) Takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record,

shall be punished as directed by a court-martial.

§ -165 **Fraudulent enlistment, appointment, or separation.** Any person who:

- (1) Procures for that person's own enlistment or appointment in the state military forces by knowingly false representation or deliberate concealment as to that person's qualifications for that enlistment or appointment and receives pay or allowances thereunder; or
- (2) Procures for that person's own separation from the state military forces by knowingly false representation or deliberate concealment as to that person's eligibility for that separation,

shall be punished as directed by a court-martial.

§ -166 **Unlawful enlistment, appointment, or separation.** Any person subject to this chapter who effects an enlistment or appointment in or a separation from the state military forces of any person who is known to that person to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, rule, or order shall be punished as directed by a court-martial.

§ -167 **Forgery.** Any person subject to this chapter who, with intent to defraud:

- (1) Falsely makes or alters any signature to, or any part of, any writing that would, if genuine, impose a legal liability on another or change the person's legal right or liability to the person's prejudice; or
- (2) Utters, offers, issues, or transfers the writing, known by the person to be falsely made or altered,

shall be guilty of forgery and shall be punished as directed by a court-martial.

§ -168 **False or unauthorized pass offenses.** (a) Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as directed by a court-martial.

(c) Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as directed by a court-martial.

§ -169 **Impersonation of officer, noncommissioned or petty officer, or agent or official.** (a) Any person subject to this chapter who, wrongfully and wilfully, impersonates:

- (1) An officer, a noncommissioned officer, or a petty officer;
- (2) An agent of superior authority of one of the armed forces; or
- (3) An official of a government,

shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who, wrongfully and wilfully, and with intent to defraud, impersonates any person referred to in subsection (a)(1), (2), or (3) shall be punished as directed by a court-martial.

(c) Any person subject to this chapter who, wrongfully and wilfully, and without intent to defraud, impersonates an official of a government by commit-

ting an act that exercises or asserts the authority of the office that the person claims to have shall be punished as directed by a court-martial.

§ -170 Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button. Any person subject to this chapter who:

- (1) Is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and
- (2) Wrongfully wears any insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing,

shall be punished as directed by a court-martial.

§ -171 False official statements; false swearing. (a) Any person subject to this chapter who, with intent to deceive:

- (1) Signs any false record, return, regulation, order, or other official document, knowing it to be false; or
- (2) Makes any other false official statement knowing it to be false,

shall be punished as directed by a court-martial.

(b) Any person subject to this chapter:

- (1) Who takes an oath or affirmation that:
 - (A) Is administered in a matter in which the oath or affirmation is required or authorized by law; and
 - (B) Is administered by a person with authority to do so; and
- (2) Who, upon the oath or affirmation, makes or subscribes to a statement,

if the statement is false and at the time of taking the oath affirmation, the person does not believe the statement to be true, shall be punished as directed by a court-martial.

§ -172 Military property; loss, damage, destruction, or wrongful disposition. Any person subject to this chapter who, without proper authority:

- (1) Sells or otherwise disposes of;
- (2) Wilfully or through neglect damages, destroys, or loses; or
- (3) Wilfully or through neglect suffers to be lost, damaged, destroyed, sold, or wrongfully disposed of,

any military property of the State, the United States, or any of its states, territories, or commonwealths shall be punished as directed by a court-martial.

§ -173 Captured or abandoned property. (a) All persons subject to this chapter shall secure all public property taken from the enemy for the service of the United States or the State and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

(b) Any person subject to this chapter who:

- (1) Fails to carry out the duties prescribed in subsection (a);
- (2) Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby the person receives or expects any profit, benefit, or advantage to the person's self, or another directly or indirectly connected with the person's self; or
- (3) Engages in looting or pillaging,

shall be punished as directed by a court-martial.

§ -174 Property other than military property; waste, spoilage, or destruction. Any person subject to this chapter who wilfully or recklessly wastes, spoils, or otherwise wilfully and wrongfully destroys or damages any property

other than military property of the United States or of the State shall be punished as directed by a court-martial.

§ -175 Mail matter; wrongful taking; opening. (a) Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who wrongfully opens, secrets, destroys, or steals mail matter before the matter is delivered to or received by the addressee shall be punished as directed by a court-martial.

§ -176 Improper hazarding of vessel or aircraft. (a) Any person subject to this chapter who, wilfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces of the United States or any state military force shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces of the United States or any state military force shall be punished as directed by a court-martial.

§ -177 Drunkenness and other incapacitation offenses. (a) Any person subject to this chapter who is drunk on duty shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as directed by a court-martial.

(c) Any person subject to this chapter who is a prisoner and is drunk while the person is a prisoner shall be punished as directed by a court-martial.

§ -178 Wrongful use, possession, etc., of controlled substances. (a) Any person subject to this chapter who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces or any state military force a substance described in subsection (b) shall be punished as directed by a court-martial.

(b) The substances referred to in subsection (a) are the following:

- (1) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana, and any compound or derivative of the substance;
- (2) Any substance not specified in paragraph (1) that is listed on a schedule of controlled substances prescribed by the President of the United States for the purposes of the Uniform Code of Military Justice of the armed forces of the United States as provided in title 10 United States Code sections 801 et. seq.; and
- (3) Any other substance not specified in paragraph (1) or contained on a list prescribed by the President of the United States under paragraph (2) that is listed in schedules I through V of section 202 of the Controlled Substances Act as contained in title 21 United States Code section 812.

§ -179 Drunken or reckless operation of a vehicle, aircraft, or vessel. (a) Any person subject to this chapter who:

- (1) Operates or physically controls a vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section -178; or
- (2) Operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under subsection (b),

shall be punished as directed by a court-martial.

(b) For purposes of subsection (a), the applicable limit on the alcohol concentration in a person's blood or breath is the lesser of:

- (1) The blood alcohol content limit under the law of the State, district, territory, or commonwealth of the United States in which the conduct occurred; except as provided under paragraph (3) for conduct on a military installation that is in more than one state, district, territory, or commonwealth;
- (2) The blood alcohol content limit specified in subsection (c); or
- (3) In the case of a military installation that is in more than one state, district, territory, or commonwealth, if those states, districts, territories, or commonwealths have different blood alcohol content limits under their respective state laws, the limit specified for the installation.

(c) For purposes of subsection (b), the blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.08 grams of alcohol per one hundred milliliters of blood and with respect to alcohol concentration in a person's breath is 0.08 grams of alcohol per two hundred ten liters of breath, as shown by chemical analysis.

§ -180 Endangerment offenses. (a) Any person subject to this chapter who engages in conduct that:

- (1) Is wrongful and reckless or is wanton; and
- (2) Is likely to produce death or grievous bodily harm to another person,

shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who:

- (1) Fights or promotes a fight, or is concerned in or connives a fight; or
- (2) Having knowledge of a challenge to fight sent or about to be sent, fails to report the facts promptly to the proper authority,

shall be punished as directed by a court-martial.

(c) Any person subject to this chapter who, wilfully and wrongly, discharges a firearm under circumstances as to endanger human life shall be punished as directed by a court-martial.

(d) Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about their person shall be punished as directed by a court-martial.

§ -181 Communicating threats. (a) Any person subject to this chapter who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as directed by a court-martial.

(b) Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of:

- (1) An explosive;
- (2) A weapon of mass destruction;
- (3) A biological or chemical agent, substance, or weapon; or
- (4) A hazardous material,

shall be punished as directed by a court-martial.

(c) Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of:

- (1) An explosive;
- (2) A weapon of mass destruction;
- (3) A biological or chemical agent, substance, or weapon; or
- (4) A hazardous material,

shall be punished as directed by a court-martial.

(d) For purposes of this section, “false threat” means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.

§ **-182 Riot or breach of peace.** Any person subject to this chapter who causes or participates in any riot or breach of the peace shall be punished as directed by a court-martial.

§ **-183 Provoking speeches or gestures.** Any person subject to this chapter who uses provoking or reproachful words or gestures towards any other person subject to this chapter shall be punished as directed by a court-martial.

§ **-184 Offenses concerning government computers.** (a) Any person subject to this chapter who:

- (1) Knowingly accesses a government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe the information could be used to the injury of the United States or State, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted the information to any person not entitled to receive it;
- (2) Intentionally accesses a government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any government computer; or
- (3) Knowingly causes the transmission of a program, information, code, or command, and as a result of the conduct, intentionally causes damage without authorization to a government computer,

shall be punished as directed by a court-martial.

(b) For purposes of this section:

“Computer” shall have the same meaning given that term as provided in title 18 United States Code section 1030.

“Damage” shall have the same meaning given that term as provided in title 18 United States Code section 1030.

“Government computer” means a computer owned or operated by or on behalf of the United States government or State, including the state military forces.

§ **-185 Fraud against the government.** Any person subject to this chapter:

- (1) Who, knowing it to be false or fraudulent:
 - (A) Makes any claim against the United States, the State, or any officer thereof; or
 - (B) Presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, the State, or any officer thereof;

- (2) Who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the State, or any officer thereof:
 - (A) Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;
 - (B) Makes any oath or affirmation to any fact or to any writing or other paper knowing the oath or affirmation to be false; or
 - (C) Forges or counterfeits any signature upon any writing or other paper, or uses any signature knowing it to be forged or counterfeited;
- (3) Who, having charge, possession, custody or control of any money, or other property of the United States or the State, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, an amount thereof less than that for which a certificate or receipt is received; or
- (4) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or State furnished or intended for the armed forces thereof, makes or delivers to any person writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or State,

shall upon conviction be punished as directed by a court-martial.

§ -186 Perjury. Any person subject to this chapter who in a judicial proceeding or in a course of justice conducted under this chapter wilfully and corruptly:

- (1) Upon a lawful oath or affirmation, or in any form allowed by law to be substituted for an oath or affirmation, gives any false testimony material to the issue or matter of inquiry; or
- (2) In any declaration, certificate, verification, or statement under penalty of perjury as permitted under title 28 United States Code section 1746, subscribes any false statement material to the issue or matter of inquiry,

shall be guilty of perjury and shall be punished as directed by a court-martial.

§ -187 Subornation of perjury. (a) Any person subject to this chapter who induces and procures another person to:

- (1) Take an oath or affirmation; and
 - (2) Falsely testify, depose, or state upon the oath or affirmation,
- shall, if the conditions specified in subsection (b) are satisfied, be punished as directed by a court-martial.
- (b) The conditions referred to in subsection (a) are the following:
 - (1) The oath or affirmation is administered with respect to a matter for which the oath or affirmation is required or authorized by law;
 - (2) The oath or affirmation is administered by a person having authority to do so;
 - (3) Upon the oath or affirmation, the other person wilfully makes or subscribes a statement;
 - (4) The statement is material;
 - (5) The statement is false; and
 - (6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.

§ **-188 Obstructing justice.** Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct due administration of justice shall be punished as directed by a court-martial.

§ **-189 Misprision of serious offense.** Any person subject to this chapter:

- (1) Who knows that another person has committed a serious offense; and
- (2) Wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible,

shall be punished as directed by a court-martial.

§ **-190 Wrongful refusal to testify.** Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the State or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as directed by a court-martial.

§ **-191 Prevention of authorized seizure of property.** Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as directed by a court-martial.

§ **-192 Noncompliance with procedural rules.** Any person subject to this chapter who:

- (1) Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this chapter; or
- (2) Knowingly and intentionally fails to enforce or comply with any provision of this chapter regulating the proceedings before, during, or after trial of an accused,

shall be punished as directed by a court-martial.

§ **-193 Wrongful interference with adverse administrative proceeding.** Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding is pending against any person subject to this chapter, wrongfully acts with the intent to:

- (1) Influence, impede, or obstruct the conduct of the proceeding; or
- (2) Otherwise obstruct the due administration of justice,

shall be punished as directed by a court-martial.

§ **-194 Retaliation.** (a) Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication wrongfully:

- (1) Takes or threatens to take an adverse personnel action against any person; or
- (2) Withholds or threatens to withhold a favorable personnel action with respect to any person,

shall be punished as directed by a court-martial.

(b) For purposes of this section:

“Covered individual or organization” means any recipient of a communication specified in title 10 United States Code section 1034(b)(1)(B)(i) through (vi).

“Inspector General” shall have the same meaning given that term in title 10 United States Code section 1034(j).

“Protected communication” means the following:

- (1) A lawful communication to a member of the United States Congress or an Inspector General; or
- (2) A communication to a covered individual or organization in which a member of the state military forces or the Armed Forces of the United States complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:
 - (A) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination; or
 - (B) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

§ -195 **Conduct unbecoming an officer.** Any commissioned officer who is convicted of conduct unbecoming an officer shall be punished as directed by a court-martial.

§ -196 **General article.** Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces, all conduct of a nature to bring discredit upon the state military forces, offenses prescribed by the governor or adjutant general by rule, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial according to the nature and degree of the offense and shall be punished at the discretion of that court. Where a crime constitutes an offense that violates both this chapter and the criminal laws of the state where the offense occurs or criminal laws of the United States, jurisdiction of the military court shall be determined in accordance with section -2(b).

PART XI. MISCELLANEOUS PROVISIONS

§ -231 **Courts of inquiry.** (a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the governor or adjutant general for that purpose, regardless of whether the persons involved have requested an inquiry.

(b) A court of inquiry shall consist of three or more commissioned officers. For each court of inquiry, the convening authority shall also appoint counsel for the court.

(c) Any person subject to this chapter whose conduct is subject to inquiry shall be designated as a party.

(d) Any person who is subject to this chapter or employed by the state department of defense, and who has a direct interest in the subject of the inquiry, shall have the right to be designated as a party upon request to the court.

(e) Any person designated as a party shall be given due notice and have the right to be present, to be represented by counsel, to cross examine witnesses, and to introduce evidence.

(f) Members of a court of inquiry may be challenged by a party only for cause stated to the court.

(g) The members, counsel, reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(h) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(i) Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

(j) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

§ -232 Authority to administer oaths or affirmations. (a) The following members of the state military forces may administer oaths or affirmations for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

- (1) All judge advocates;
- (2) All summary courts-martial;
- (3) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;
- (4) All commanding officers;
- (5) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers;
- (6) The president, military judge, trial counsel, and assistant trial counsel for all general and special courts-martial;
- (7) The president and counsel for the court of any court of inquiry;
- (8) All officers designated to take a deposition;
- (9) All persons detailed to conduct an investigation; and
- (10) All other persons designated by regulations of the armed forces, rules adopted by the governor or adjutant general, or by law.

(b) Officers of the state military forces shall not be authorized to administer oaths or affirmations as provided in this section unless they are on active duty in or with those forces under orders of the governor as prescribed in this chapter.

(c) The signature without seal of any person, together with the title of the person's office, is prima facie evidence of the person's authority.

§ -233 Articles to be explained. (a) The procedures and provisions of this chapter shall be explained at least once every three years to each unit of the state military forces.

(b) The procedures and provisions of this chapter shall be carefully explained to every enlisted member at the time of the member's enlistment or transfer or induction into, or at the time of the member's order to duty in or with any of the state military forces or within ninety days thereafter.

(c) In accordance with rules adopted by the governor or adjutant general, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter.

(d) A complete text of this chapter and of the rules adopted by the governor or adjutant general thereunder shall be made available in either hard copy or in an electronic format to any member of the state military forces by the member's commander, upon the member's request, for the member's personal examination.

§ -234 Complaints of wrongs. Any member of the state military forces who has a complaint against the member's commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom the complaint is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of, and shall, as soon as possible, send to the governor or adjutant general a true statement of that complaint, with the proceedings had thereon.

§ -235 Redress of injuries to property. (a) Whenever a complaint is made to any commanding officer that wilful damage has been done to the property of any person or that the person's property has been wrongfully taken by members of the state military forces, the commanding officer may, in accordance with rules adopted by the governor or adjutant general, convene a board to investigate the complaint. The board shall consist of one to three commissioned officers, and, for the purpose of that investigation, shall have the power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and the amount approved by the commanding officer shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive, except as provided in subsection (c), on any disbursing officer for the payment by the disbursing officer to the injured parties of the damages so assessed and approved.

(b) If the offenders cannot be ascertained but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in a proportion as is considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board. Alternatively, if the offenders cannot be ascertained but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be paid to the injured parties from the military funds of the units of the state military forces to which the offenders belonged.

(c) Any person subject to this chapter who is accused of causing wilful damage to property shall have the right to be represented by counsel, to summon witnesses on the person's behalf, and to cross-examine those appearing against the person. The person shall have the right of appeal to the next higher commander.

§ -236 Delegation of authority by the governor; rulemaking authority of the governor. (a) The governor may delegate any authority vested in the governor under this chapter to the adjutant general and may provide for the sub-delegation of any authority as appropriate.

(b) The governor or adjutant general shall adopt rules in accordance with chapter 91 necessary to administer and implement this chapter. Chapter 91 shall apply notwithstanding section 121-5 or any other provision of law to the contrary.

§ **-237 Case management; data collection and accessibility.** The adjutant general shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of federal and state courts:

- (1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews;
- (2) Case processing and management;
- (3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system; and
- (4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.

§ **-238 Execution of process and sentence.** In the state military forces not in federal service, the processes and sentences of its courts-martial shall be executed by the civil officers prescribed by the laws of the State.

§ **-239 Process of military courts.** (a) Military courts may issue any process or mandate necessary to carry into effect their powers. Military courts may issue subpoenas and subpoenas duces tecum and enforce by attachment attendance of witnesses and production of books and records, when it is sitting within the State and the witnesses, books, and records sought are also located in the State.

(b) Process and mandates may be issued by summary courts-martial, military judges, or the president of other military courts and may be directed to and may be executed by the marshals of the military court or any peace officer and shall be in a form as prescribed by rules adopted under this chapter.

(c) All officers to whom process or mandates are directed shall execute them and make return of their acts thereunder according to the requirements of those documents. Except as otherwise specifically provided in this chapter, no officer shall demand or require payment of any fee or charge for receiving, executing, or returning a process or mandate or for any service in connection therewith.

§ **-240 Payment of fines and disposition thereof.** Fines imposed by a military court may be paid to it or to an officer executing its process. The amount of the fine may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due the delinquent, until the fine is liquidated. Any sum deducted shall be returned to the military court that imposed the fine. The officer collecting a fine or penalty imposed by a military court upon an officer or enlisted person shall pay it within thirty days to the director of finance to the credit of the state general fund.

§ **-241 Immunity for action of military courts or nonjudicial punishment.** No accused shall bring an action or proceeding against:

- (1) The convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings because of the approval, imposition, or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court; or
- (2) A commanding officer for imposing any authorized nonjudicial punishment.

§ -242 **Presumption of jurisdiction.** The jurisdiction of the military courts and boards established by this chapter shall be presumed and the burden of proof rests on any person seeking to oust those courts or boards of jurisdiction in any action or proceeding.

§ -243 **Uniformity of interpretation.** This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states that enact it and, so far as practical, to make that law uniform with the law of the United States.

§ -244 **Severability.** If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.”

SECTION 3. Section 122A-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) When in the active service of the Hawaii state defense force, members of the Hawaii state defense force are subject to chapter [124A:] _____. Members are deemed to be in the active service of the Hawaii state defense force from the date and time specified in any order lawfully calling them into such service.”

SECTION 4. Section 122A-16, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§122A-16]]~~ **Courts-martial; nonjudicial punishment.** Any limitations in chapter [124A:] ____ to the contrary notwithstanding, whenever this chapter specifically authorizes an act to be punished by court-martial or nonjudicial punishment, the court-martial may be convened or nonjudicial punishment imposed and punishment administered as though the act complained of were a violation of the punitive articles of chapter [124A:] _____.”

SECTION 5. Section 657D-1, Hawaii Revised Statutes, is amended by amending the definition of “person in the military service” and “persons in the military service of the State” to read as follows:

““Person in the military service” and “persons in the military service of the State” include all members of any of the state military forces, as defined in section [124A-1:] _____-1.”

SECTION 6. Chapter 124A, Hawaii Revised Statutes, is repealed.

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on January 1, 2023.

(Approved July 12, 2022.)

Note

1. So in original.

ACT 287

H.B. NO. 1752

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that Act 215, Session Laws of Hawaii 2019 (Act 215), required the Hawaii public housing authority to adopt rules, without regard to chapter 91, Hawaii Revised Statutes, to establish a program to reimburse landlords who participate in the section 8 housing choice voucher program to cover repair costs of tenant-caused property damage when the repair costs exceed the tenant's security deposit. Act 215 also made an appropriation to the Hawaii public housing authority for that purpose. On February 20, 2020, the Hawaii public housing authority board of directors adopted a set of rules, entitled "Section 8 Housing Choice Voucher Landlord Incentive Program Rules", that provide the structure for this program.

The purpose of this part is to provide additional incentives for landlords to participate in the section 8 housing choice voucher program by providing financial protections for those landlords.

SECTION 2. Chapter 356D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§356D- Housing choice voucher landlord incentive program. (a) The authority shall adopt rules, without regard to chapter 91, to establish the following incentives for landlords participating in the tenant-based assistance housing choice voucher program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f):

- (1) The landlord may be reimbursed up to one month of rent at the contract rate when the dwelling unit sits vacant:
 - (A) Between rentals to tenants participating in the section 8 housing choice voucher program; or
 - (B) When the landlord initially transitions the dwelling unit to a rental under the section 8 housing choice voucher program; and
 - (2) The landlord may receive a signing bonus of up to one month of rent at the contract rate when the landlord first joins the section 8 housing choice voucher program by entering into a contract with the authority and securing a tenant participating in the section 8 housing choice voucher program for the dwelling unit; provided that a landlord receiving the signing bonus shall not also receive reimbursement under paragraph (1)(B).
- (b) The incentives in subsection (a) shall supplement the incentive offered under the section 8 housing choice voucher landlord incentive program established pursuant to Act 215, Session Laws of Hawaii 2019, to reimburse

landlords who participate in the section 8 housing choice voucher landlord incentive program for repair costs of tenant-caused property damage when the repair costs exceed the tenant's security deposit.

(c) The following requirements shall apply to the reimbursement for repair costs:

- (1) The landlord shall submit a claim to the authority within thirty calendar days of the tenant vacating the dwelling unit;
- (2) The authority may reimburse the landlord up to an amount to be determined by the authority for verified costs to repair the tenant-caused property damage, subject to availability of funding; provided that the costs of repair shall exceed the security deposit; and
- (3) Claims that exceed an amount to be determined by the authority shall include an estimate from a licensed contractor setting forth the costs to repair the damages caused by the tenant to the dwelling unit."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,450,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the cost of the incentives established pursuant to section 2 of this Act and Act 215, Session Laws of Hawaii 2019, for landlords who participate in the tenant-based assistance housing choice voucher program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

The sum appropriated shall be expended by the Hawaii public housing authority for the purposes of this part.

PART II

SECTION 4. The legislature finds that the administrative rules applicable to section 8 housing choice voucher program leases as administered by the Hawaii public housing authority found at title 15, chapter 185, subchapter 3, Hawaii Administrative Rules (sections 15-185-41 through 15-185-44, Hawaii Administrative Rules) require dwelling units approved for lease under the program to meet minimum housing quality standards. Similar emergency rules were adopted for application to the Hawaii public housing authority pursuant to sections 17-2039-41 to 17-2039-44, Hawaii Administrative Rules. Prior to approving a lease, the dwelling unit shall be inspected within a reasonable time after receipt of the owner's inspection request. In addition, the form of the lease shall comply with United States Department of Housing and Urban Development regulations and state and local law, specify utilities and appliances supplied by the owner, and include a federally prescribed tenancy addendum. If the dwelling unit is determined to be suitable for the program and the lease meets specified requirements of the program, the owner and tenant requesting to lease the dwelling unit shall be notified and a contract shall be executed.

The legislature further finds that specifying a maximum number of days within which the required inspection shall be completed will reflect the prioritization of increasing section 8 housing availability and assure landlords and tenants of a more expedited process. The legislature also finds that creating targeted positions and appropriating funds for those positions are necessary to achieve timely inspections and a better coordinated and more responsive program.

The purpose of this part is to:

- (1) Require the Hawaii public housing authority to adopt or amend rules no later than July 1, 2023, to establish a maximum of fifteen days after receipt of an owner's or landlord's inspection request as

- a reasonable time within which to inspect a dwelling unit for lease under the section 8 housing choice voucher program; and
- (2) Establish positions within the Hawaii public housing authority and appropriate funds to ensure that prospective dwelling unit inspections are completed within fifteen days of receipt of a request for lease approval and to facilitate various aspects of the section 8 housing choice voucher program.

SECTION 5. No later than July 1, 2023, the authority shall adopt or amend administrative rules, without regard to chapter 91, Hawaii Revised Statutes, to establish a maximum of fifteen days after receipt of an owner's or landlord's inspection request as a reasonable time within which to inspect a dwelling unit for lease under the section 8 housing choice voucher program.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2022-2023 for two full-time equivalent (2.00 FTE) permanent housing quality standards inspector II positions within the Hawaii public housing authority to facilitate, coordinate, and monitor inspections of dwelling units that are the subject of applications for the section 8 housing choice voucher program, and handle related duties.

The sum appropriated shall be expended by the Hawaii public housing authority for the purposes of this part.

PART III

SECTION 7. New statutory material is underscored.¹

SECTION 8. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 288

H.B. NO. 2495

A Bill for an Act Relating to Employment Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 378-2.2, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“~~[[§378-2.2]] Sexual harassment or sexual assault; nondisclosure agreements; prohibited.~~ (a) No employer shall enter into or require an employee to enter into ~~[-as a condition of employment,]~~ a nondisclosure agreement that prevents the employee from disclosing or discussing sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between an employer and an employee.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

A Bill for an Act Relating to Adult Protective Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that reports of abuse against vulnerable adults continue to rise as Hawaii's population ages. Although the department of human services is authorized to enter premises without a warrant for purposes of investigation of abuse to vulnerable adults, existing law limits that right of warrantless entry to only situations where there is probable cause to believe that a vulnerable adult will be physically injured.

The legislature further finds that under state law, abuse includes not only physical abuse, but also psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect. All of these forms of abuse can result in damaging losses to the vulnerable adult's mental health, welfare, and financial stability. Additionally, vulnerable adults may suffer multiple forms of abuse in combination.

The purpose of this Act is to broaden the department of human services' right of entry into a vulnerable adult's premises without a warrant for an investigation of caregiver neglect, self-neglect, or physical abuse.

SECTION 2. Section 346-229, Hawaii Revised Statutes, is amended to amend subsection (b) to read as follows:

“(b) Any employee of the department engaged in an investigation under this part, having probable cause to believe that a vulnerable adult will be [~~physically~~] injured through [~~abuse~~] caregiver neglect, self-neglect, or by physical abuse before a court order for entry can be obtained, without a warrant, may enter upon the premises where the vulnerable adult may be found for the purpose of ascertaining that person's welfare. Where a warrantless entry is authorized under this section, the employee of the department may request the assistance of a police officer to gain entrance.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

A Bill for an Act Relating to the Room Confinement of Minors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 571-32, Hawaii Revised Statutes, is amended to read as follows:

“**§571-32 Detention; shelter; release; notice.** (a) If a minor who is believed to come within section 571-11(1) [~~or (2)~~] is not released as provided in section 571-31 and is not deemed suitable for diversion, then the minor shall be taken without unnecessary delay to the court or to the place of detention or shelter designated by the court. If a minor who is believed to come within section 571-11(2) is not released as provided in section 571-31, and is not deemed

suitable for diversion, then the minor shall be taken without unnecessary delay to the court or to the place of shelter designated by the court. If the court determines that the minor requires care away from the minor's own home but does not require secure physical restriction, the minor shall be given temporary care in any available nonsecure minor caring institution, foster family home, or other shelter facility.

(b) The officer or other person who brings a minor to a detention or shelter facility shall give notice to the court at once, stating the legal basis therefor and the reason why the minor was not released to the minor's parents. If the facility to which the minor is taken is not an agency of the court, the person in charge of the facility in which the minor is placed shall promptly give notice to the court that the minor is in that person's custody. Before acceptance of the minor for detention or shelter care, a prompt inquiry shall be made by a duly authorized staff member of the detention or shelter facility or officer of the court. Where it is deemed in the best interests of the minor, the judge, officer, staff member, or [the] director of detention services may then order the minor to be released, if possible, to the care of the minor's parent, guardian, legal custodian, or other responsible adult, or the judge may order the minor held in the facility subject to further order or placed in some other appropriate facility.

(c) As soon as a minor is detained, the minor's parents, guardian, or legal custodian shall be informed, by personal contact or by notice in writing on forms prescribed by the court, that they may have a prompt hearing held by a circuit judge or district family judge regarding release or detention. A minor may be released on the order of the judge with or without a hearing. The director of detention services may order the release of the minor if an order of detention has not been made.

(d) No minor shall be held in a detention facility for juveniles or shelter longer than twenty-four hours, excluding weekends and holidays, unless a petition or motion for revocation of probation, or motion for revocation of protective supervision has been filed, or unless the judge orders otherwise after a court hearing. No ex parte motions shall be considered. For the purposes of this section:

- (1) Unless a court finds, after a hearing and in writing, that it is in the interest of justice as provided for in subsection (g)(2), a minor believed to come within section 571-11(1), or a minor awaiting trial or another legal process, who is treated as an adult for purposes of prosecution in criminal court and housed in a secure facility shall not:
 - (A) Have sight or sound contact with adult inmates; or
 - (B) Be held in any jail or lockup for adults, except as provided in subsection (g)(3); and
- (2) Detention in a jail or lockup for adults may be permitted for:
 - (A) A minor accused of a non-status offense who is held for a period not to exceed six hours; provided that the minor is being held:
 - (i) For processing or release;
 - (ii) While awaiting transfer to a juvenile facility; or
 - (iii) For a court appearance that occurs within the period of detention; or
 - (B) A minor accused of a non-status offense who is awaiting an initial court appearance that will occur within forty-eight hours of the minor being taken into custody, excluding weekends and holidays, and where the jail or lockup for adults is in a location:

- (i) Outside a metropolitan statistical area, as defined by the Office of Management and Budget, and no acceptable alternative placement is available;
- (ii) Where the distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within forty-eight hours, excluding weekends and holidays, such that a brief delay of no more than an additional forty-eight hours is excusable; or
- (iii) Where safety concerns exist, such as severe and life-threatening weather conditions that do not allow for reasonably safe travel, in which case the time for an appearance may be delayed until twenty-four hours after the time that conditions allow for reasonably safe travel;

provided that the minor shall not have sight or sound contact with adult inmates; provided further that the State shall have a policy in effect that requires individuals who work with both minor and adult inmates in collocated facilities to be trained and certified to work with juveniles.

(e) No minor may be held after the filing of a petition or motion, as specified in subsection (d), unless an order for continued detention or shelter has been made by a judge after a court hearing. If there is probable cause to believe that the minor comes within section 571-11(1), the minor may be securely detained, following a court hearing, in a detention facility for juveniles or may be held in a shelter. If there is probable cause to believe that the minor comes within section 281-101.5 or 571-11(2), the minor may be held, following a court hearing, in a shelter but shall not be securely detained in a detention facility for juveniles for longer than twenty-four hours, excluding weekends and holidays, unless the minor is subject to the provisions of chapter 582, Interstate Compact on Juveniles, or chapter 582D, Interstate Compact for Juveniles, or is allegedly in or has already been adjudicated for a violation of a valid court order, as provided under the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(f) No minor shall be released from detention except in accordance with this chapter.

- (g) When a minor is ordered to be held or detained by the court:
 - (1) Where a minor transferred for criminal proceedings pursuant to a waiver of family court jurisdiction is detained, the minor shall not:
 - (A) Have sight or sound contact with adult inmates; or
 - (B) Be held in any jail or lockup for adults, unless a court finds, after a hearing and in writing, that it is in the interest of justice;
 - (2) In determining whether it is in the interest of justice to permit a minor to be held in any jail or lockup for adults, or to have sight or sound contact with adult inmates, a court shall consider:
 - (A) The age of the minor;
 - (B) The physical and mental maturity of the minor;
 - (C) The present mental state of the minor, including whether the minor presents an imminent risk of self-harm;
 - (D) The nature and circumstances of the alleged offense;
 - (E) The minor's history of prior delinquent acts;
 - (F) The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the minor and protect the safety of the public as well as other detained minors; and

- (G) Any other relevant factor; and
- (3) If a court determines that it is in the interest of justice to permit a minor to be held in any jail or lockup for adults, or to have sight or sound contact with adult inmates:
 - (A) The court shall hold a hearing no less frequently than once every thirty days, or in the case of a rural jurisdiction, no less frequently than once every forty-five days, to review whether it remains in the interest of justice to permit the minor to be held in a jail or lockup for adults or to have sight or sound contact with adult inmates; and
 - (B) The minor shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than one hundred eighty days, unless the court, in writing, determines there is good cause for an extension, or the minor expressly waives this limitation.
- (h) A minor may be placed in room confinement in a juvenile detention or adult jail facility only under the following conditions:
 - (1) Room confinement may only be used as a temporary response to a minor's behavior, and only if:
 - (A) The behavior poses an immediate and substantial risk of danger to the minor's self or another individual, or a serious and immediate threat to the safety and orderly operation of the facility; provided that any decision to hold a minor in room confinement due to a mental health emergency shall be made by a mental health professional and based upon the mental health professional's examination of the minor; or
 - (B) The minor is an imminent escape risk;
 - (2) Because of the potential impact on a minor's mental or physical health, room confinement may only be used for the minimum time necessary for the minor to regain self-control, and only after less restrictive options or techniques, including de-escalation, conflict and behavioral management techniques, and intervention by a mental health professional, have been attempted, exhausted, and failed;
 - (3) If a minor is placed in room confinement, the reasons for the room confinement shall be explained to the minor. The minor shall also be informed that release from room confinement will occur immediately when the minor exhibits self-control and is no longer deemed a threat to the minor's safety or the safety of others;
 - (4) If a minor is placed in room confinement, the following individuals shall be notified on the next business day and provided the reasons for the room confinement as well as the location and duration of the confinement:
 - (A) The senior judge of the family court;¹
 - (B) The presiding judge who ordered the minor to be held at the facility;¹
 - (C) The deputy chief court administrator; and
 - (D) The social services manager of the juvenile client services branch for the circuit court of the first circuit;
 - (5) Room confinement shall not be used for purposes of punishment or disciplinary sanction, coercion, convenience, or retaliation, or to address staffing shortages at the facility;
 - (6) A minor may be held in room confinement for no more than three hours unless the minor is a danger to themselves or another, or the on-call judge grants an extension of no more than three additional

hours of confinement. Thereafter, the minor shall be returned to the general population; provided that if a minor is held in room confinement for more than three hours, a hearing shall be held before the family court on the next business day, at which time the minor shall be provided legal representation;

- (7) A minor shall not be returned to room confinement immediately after returning to the general population from room confinement for the purposes of evading the reporting requirements and room confinement restrictions pursuant to this section;
- (8) If the minor is not returned to the general population following a hearing pursuant to paragraph (6), the minor shall be transferred to a location where services may be provided to the minor without the need for room confinement; provided that if a mental health professional determines that the level of crisis service needed is not presently available at the location, the superintendent or deputy superintendent of the facility shall initiate a referral to a facility that can meet the needs of the minor;
- (9) All rooms used for room confinement shall have adequate and operational lighting, ventilation for the comfort of the minor, and shall be clean and resistant to suicide and self-harm;
- (10) The minor shall have access to drinking water, toilet facilities, hygiene supplies, and reading materials approved by a mental health professional;
- (11) The minor shall have the same access as provided to minors in the general population of the facility to meals, contact with parents or legal guardians, legal assistance, educational programs, and medical and mental health services;
- (12) The minor shall be continuously monitored by facility staff; and
- (13) The judiciary shall post quarterly on the judiciary's website a report of its detention center detailing their compliance with this section. Each report shall include:
 - (A) The number of incidents of room confinement every year;
 - (B) The number of minors impacted;
 - (C) The age, gender identity, and race of minors impacted;
 - (D) Any alternative strategies employed before the use of room confinement, the reasons those alternative strategies failed, and why room confinement was necessary; and
 - (E) The incidence of mental illness.

For the purposes of this subsection:

“Mental health professional” means a qualified mental health professional or mental health professional supervised by a qualified mental health professional.

“Room confinement” means the placement of a minor in a room, cell, or area with minimal or no contact with persons other than court staff and attorneys. “Room confinement” does not include confinement of a minor in a single-person room or cell for brief periods of locked room time as necessary for required institutional operations and does not include confinement during sleep hours.

~~(h)~~ (i) Provisions regarding bail shall not be applicable to minors detained in accordance with this chapter, except that bail may be allowed after a minor has been transferred for criminal prosecution pursuant to waiver of family court jurisdiction.

~~(h)~~ (j) The official in charge of a facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when

a minor who is or appears to be under eighteen years of age is received at the facility.

~~(j)~~ (k) Any other provision of law to the contrary notwithstanding, any person otherwise subject to proceedings under chapter 832 and who is under the age of eighteen may be confined in a detention facility or correctional facility by order of a judge for the purposes set forth in section 832-12, 832-15, or 832-17.

~~(k)~~ (l) The department of human services through the office of youth services shall certify police station cellblocks and community correctional centers that provide sight and sound separation between minors and adults in secure custody. Only cellblocks and centers certified under this subsection shall be authorized to detain juveniles pursuant to section 571-32(d). The office of youth services may develop sight and sound separation standards, issue certifications, monitor and inspect facilities for compliance, cite facilities for violations, withdraw certifications, and require certified facilities to submit data and information as requested. In addition, the office of youth services may monitor and inspect all cellblocks and centers for compliance with section 571-32(d).”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

Note

1. ";" should be underscored.

ACT 291

S.B. NO. 2482

A Bill for an Act Relating to Wellness.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that research conducted over the last two decades in the fields of neuroscience, molecular biology, public health, genomics, and epigenetics reveal that experiences in the first few years of life build changes into the biology of the human body that, in turn, influence a person’s lifelong physical, mental, and spiritual health. Adverse childhood experiences are traumatic experiences that occur during childhood, including physical, emotional, or sexual abuse; untreated mental illness; incarceration of a household member; domestic violence; and separation or divorce involving household members. These experiences can have a profound effect on a child’s developing brain and body and, if not treated properly, can increase a person’s risk for disease and other health conditions through adulthood.

The legislature further finds that early adverse childhood experiences shape the physical architecture of a child’s developing brain and can prevent the development of a sturdy foundation for learning, quality health, and positive behavior. Strong, frequent, or prolonged stress in childhood caused by adverse childhood experiences can become toxic stress, impacting the development of a child’s fundamental brain architecture and stress response systems. Early childhood education offers a unique window of opportunity to prevent and heal the impacts of adverse childhood experiences and toxic stress on a child’s brain, body, and spirit. Research on toxic stress and adverse childhood experiences indicates the existence of a growing public health crisis for the State with implications for Hawaii’s educational, juvenile justice, criminal justice, and public health systems.

The legislature also finds that neurobiological, epigenetic, and physiological studies have shown that traumatic experiences in childhood and adolescence can diminish concentration, memory, and the organizational language abilities students need to succeed in school, thereby negatively impacting a student’s academic performance, classroom behavior, and the ability to form relationships. A critical factor in buffering children from the effects of toxic stress and adverse childhood experiences is the existence of supportive, stable relationships between children and their families, caregivers, and other important adults in their lives. Cultural practices that provide asset-based approaches involving the influence of a stable non-relative adult can provide the resilience needed to mitigate the effects on a child who has had high adverse childhood experiences. Positively influencing the architecture of a child’s developing brain is more effective and less costly than attempting to correct poor learning, health, and behaviors later in life.

The purpose of this Act is to establish an office of wellness and resilience as a semi-autonomous authority within the office of the governor to support and implement the statewide framework developed by the trauma-informed care task force established pursuant to Act 209, Session Laws of Hawaii 2021, by:

- (1) Addressing the various barriers that impact the physical, social, and emotional well-being of all people in the State by building wellness and resilience through trauma-informed, strengths-based strategies; and
- (2) Supporting agencies in their individual reform efforts to address trauma-informed care and move toward a collaborative, shared purpose of collective system reform.

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . OFFICE OF WELLNESS AND RESILIENCE

§27- Definitions. As used in this part, unless the context otherwise requires:

“Office” means the office of wellness and resilience.

“Trauma-informed care task force” means the trauma-informed care task force established pursuant to Act 209, Session Laws of Hawaii 2021.

§27- Office of wellness and resilience; established. (a) There is established within the office of the governor, on a temporary basis and for special purposes, the office of wellness and resilience.

(b) The office shall be headed by an executive director, who shall be appointed by the governor without regard to chapter 76, and who shall serve at the pleasure of the governor.

(c) The governor may use moneys from existing, unfilled staff positions from other executive branch agencies to appoint additional staff for the office. Staff appointed pursuant to this subsection shall be exempt from chapters 76 and 89 but shall be members of the state employees’ retirement system and shall be eligible to receive the benefits of any state employee benefit program generally applicable to officers and employees of the State.

(d) Department directors may assign additional employees from existing positions within their respective department to the office; provided that the employees shall represent their respective department’s needs and shall have direct communication with the respective department’s leadership during the course of their assignment with the office.

§27- Functions. The office shall:

- (1) Address issues identified and implement solutions recommended by the trauma-informed care task force through a cross-representation of state departments and the private sector, including private donors;
- (2) Identify common issues, unmet needs, and challenges encountered by departments and work to solve those issues through a cross-representation of state departments and the private sector, including private donors;
- (3) Seek funding solutions using moneys that each department has access to, including federal, state, and private sources, and work with philanthropic organizations and other entities from the private sector to re-evaluate the State's funding priorities and find funding solutions to implement interdepartmental programming;
- (4) Establish a procurement team that has cross-agency representation to streamline existing department grant and funding management and meet existing fiduciary obligations and other state requirements;
- (5) Interact with community agencies, organizations, and other stakeholders to ensure the office is meeting the needs and wellness requirements of communities throughout the State; and
- (6) Create a social determinants of health electronic dashboard that identifies a baseline of needs and concerns that impede high quality-of-life outcomes.

§27- Annual report. The office shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session that contains a summary of its activities during the preceding year, including:

- (1) Actions taken to address issues, unmet needs, and challenges relating to wellness and resilience;
- (2) Funds received pursuant to the activities of the office from federal, state, private, and philanthropic sources;
- (3) The office's engagement with community entities and other stakeholders; and
- (4) Any other findings and recommendations, including any proposed legislation."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$894,528 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment and operations of the office of wellness and resilience, including six full-time equivalent (6.0 FTE) positions and two contracted consultants.

The sum appropriated shall be expended by the office of the governor for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

A Bill for an Act Relating to the Early Childhood Registry.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that a strong early child care and education workforce is necessary to support Hawaii's children, working families, and communities. The legislature further finds that the demand for quality early child care and education far exceeds the currently available and qualified early child care capacity of the State. The legislature also finds that disruptions to the early child care and education system due to the ongoing coronavirus disease 2019 pandemic have increased challenges to expanding access to quality, affordable early child care and education programs.

According to the Center for the Study of Child Care Employment, the lack of early child care and education workforce data prevents policymakers from understanding the needs of this workforce, which may then lead to inefficiencies regarding early child care and education legislation and programs. The legislature recognizes that workforce registries have been used to provide an objective framework for professional development and compensation. The legislature further recognizes that timely, clear, and detailed data on early child care workers and educators is critical to ensure and increase the quality of these workers and educators in the State while helping to craft data-informed policies.

Currently, the department of human services only requires the staff used to meet the staff-child ratio in licensed child care facilities to enroll and update their information in its early childhood registry. Given the need to expand access to, and the availability of, high-quality early child care and education programs in the State, the legislature also recognizes that data in the Hawaii early childhood registry must be consistently collected and analyzed.

Accordingly, the purpose of this Act is to address the needs of Hawaii's early child care and education workforce by requiring the department of human services to annually collect certain information from all early child care workers and educators in the State through its early childhood registry.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§346- Early childhood registry; staff information required. (a) The department may establish and maintain an information system to be designated as the early childhood registry. The purpose of this registry shall be to maintain a repository of early childhood provider and staff information that is collected annually pursuant to this section.

(b) The department may require all staff used to meet the staff-child ratio in all licensed and registered child care programs in the State to annually update their information in the department's early childhood registry.

(c) The data collected from the early childhood registry may include social determinants, including but not limited to: gender, race, age, paid years of experience, preferred learning languages, languages spoken with children, median hourly wage, paid planning time, health insurance, paid sick leave, paid vacation, retirement benefits, participation in an apprenticeship program, level of education, and training hours.

(d) Any records or reports containing registry information and subject to public disclosure shall be limited to aggregate data and shall not directly contain or indirectly result in the disclosure of personally identifiable information.

(e) For purposes of this section, “training” includes but is not limited to health and safety training and voluntary professional development training.”

SECTION 3. The department of human services shall submit a report of its findings and recommendations, including any proposed legislation, regarding updates to the early childhood registry to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 4. Procurements executed pursuant to this Act shall be exempt from the requirements of chapters 103D and 103F, Hawaii Revised Statutes.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 293

H.B. NO. 1575

A Bill for an Act Relating to Physician Assistants.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that broadening the scope of practice for physician assistants can help address the State’s shortage of licensed physicians. In 2021, the annual report on findings from the Hawaii Physician Workforce Assessment Project found that Hawaii has an unmet need for over seven hundred full-time doctors. The islands of Maui and Hawaii face the most severe shortages, each lacking more than forty per cent of the needed health care providers. By contrast, the number of licensed physician assistants has grown by one hundred five per cent on the island of Hawaii, one hundred fourteen per cent on the island of Kauai, and thirty-five per cent on the island of Maui.

The legislature recognizes that physician assistants are highly trained and nationally certified health care workers who already provide a wide range of services. They routinely take medical histories, perform medical examinations, order and interpret laboratory tests, diagnose illnesses, develop and manage treatment plans, prescribe medications, and assist in surgery. Research has shown that hospitalized patients receiving care from physician assistants have shorter stays, fewer infections, and fewer readmissions. The legislature finds that physician assistants are capable of providing additional care services to help ease the State’s shortage of licensed physicians and that the scope of practice for physician assistants should be determined at the practice level.

The legislature also finds that changes are needed to the medical records review process for physician assistants. Act 181, Session Laws of Hawaii 2019, authorized the physicians or physicians’ groups supervising physician assistants to develop their own, practice-specific requirements for medical record reviews. This has helped to ease the administrative burden on supervising physicians without compromising patient care. However, supervising physicians or physicians’ groups are currently required to review all prescriptions for controlled substances that are provided by a physician assistant.

Accordingly, the purpose of this Act is to:

- (1) Improve patients' quality of care and access to care services, especially in rural and underserved areas, by broadening the scope of practice for physician assistants in the State; and
- (2) Continue streamlining the medical records review process for physician assistants by requiring a sampling of medical records, rather than all medical records, to be reviewed when physician assistants prescribe controlled substances.

SECTION 2. Section 291-51, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of "certificate of disability" to read:
"Certificate of disability" means a medical statement issued by a licensed practicing physician, physician assistant, or advanced practice registered nurse [which] that verifies that a person is disabled, limited, or impaired in the ability to walk."

2. By amending the definition of "person with a disability" to read:
"Person with a disability" means a person with a disability that limits or impairs the ability to walk, and who, as determined by a licensed practicing physician, physician assistant, or an advanced practice registered nurse:

- (1) Cannot walk two hundred feet without stopping to rest, and who has been diagnosed with:
 - (A) An arthritic, neurological, orthopedic, renal, vascular, or oncological condition;
 - (B) Lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
 - (C) A cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association; and
- (2) Because of a condition identified in paragraph (1):
 - (A) Cannot walk two hundred feet under the person's own power without stopping to rest;
 - (B) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - (C) Uses portable oxygen."

SECTION 3. Section 291-51.4, Hawaii Revised Statutes, is amended to read as follows:

§291-51.4 Fraudulent verification of an applicant as a person with a disability; penalty. A physician, physician assistant, or advanced practice registered nurse who fraudulently verifies that an applicant is a person with a disability to enable the person to represent to the issuing agency that the person is qualified to obtain a disability parking permit shall be guilty of a petty misdemeanor. Each fraudulent verification shall constitute a separate offense."

SECTION 4. Section 327K-1, Hawaii Revised Statutes, is amended by amending the definition of "patient's provider" to read as follows:

"Patient's provider" means a physician licensed pursuant to chapter 453, a physician assistant licensed pursuant to chapter 453, or an advanced practice registered nurse licensed pursuant to chapter 457 who has examined the patient."

SECTION 5. Section 327K-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No physician, physician assistant, advanced practice registered nurse, health care professional, nurse’s aide, hospice provider, home care provider, including private duty and medicare home health providers, emergency medical services provider, adult residential care home operator, skilled nursing facility operator, hospital, or person employed by or under contract with a hospital shall be subject to criminal prosecution, civil liability, or be deemed to have engaged in unprofessional conduct for:

- (1) Carrying out in good faith, a decision regarding treatment orders, including cardiopulmonary resuscitation by or on behalf of a patient pursuant to orders in a form and in compliance with the standards and procedures set forth in this chapter; or
- (2) Providing cardiopulmonary resuscitation to a patient for whom an order not to resuscitate has been issued on a form; provided that the person reasonably and in good faith:
 - (A) Was unaware of the issuance of an order not to resuscitate; or
 - (B) Believed that any consent to treatment orders, including the order not to resuscitate, had been revoked or canceled.”

SECTION 6. Section 329-38, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Prescriptions for controlled substances shall be issued only as follows:

- (1) All prescriptions for controlled substances shall originate from within the State and be dated as of, and signed on, the day when the prescriptions were issued and shall contain:
 - (A) The first and last name and address of the patient; and
 - (B) The drug name, strength, dosage form, quantity prescribed, and directions for use. Where a prescription is for gamma hydroxybutyric acid, methadone, or buprenorphine, the practitioner shall record as part of the directions for use, the medical need of the patient for the prescription.

Except for electronic prescriptions, controlled substance prescriptions shall be no larger than eight and one-half inches by eleven inches and no smaller than three inches by four inches. A practitioner may sign a prescription in the same manner as the practitioner would sign a check or legal document (e.g., J.H. Smith or John H. Smith) and shall use both words and figures (e.g., alphabetically and numerically as indications of quantity, such as five (5)), to indicate the amount of controlled substance to be dispensed. Where an electronic prescription is permitted, either words or figures (e.g., alphabetically or numerically as indications of quantity, such as five or 5), to indicate the amount of controlled substance to be dispensed shall be acceptable. Where an oral order or electronic prescription is not permitted, prescriptions shall be written with ink or indelible pencil or typed, shall be manually signed by the practitioner, and shall include the name, address, telephone number, and registration number of the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of the practitioner, but the prescribing practitioner shall be responsible in case the prescription does not conform in all essential respects to this chapter and any rules adopted pursuant to this chapter. In receiving an oral prescription from a practitioner, a pharmacist shall promptly reduce the

oral prescription to writing, which shall include the following information: the drug name, strength, dosage form, quantity prescribed in figures only, and directions for use; the date the oral prescription was received; the full name, Drug Enforcement Administration registration number, and oral code number of the practitioner; and the name and address of the person for whom the controlled substance was prescribed or the name of the owner of the animal for which the controlled substance was prescribed.

A corresponding liability shall rest upon a pharmacist who fills a prescription not prepared in the form prescribed by this section. A pharmacist may add a patient's missing address or change a patient's address on all controlled substance prescriptions after verifying the patient's identification and noting the identification number on the back of the prescription document on file. The pharmacist shall not make changes to the patient's name, the controlled substance being prescribed, the quantity of the prescription, the practitioner's Drug Enforcement Administration number, the practitioner's name, the practitioner's electronic signature, or the practitioner's signature;

- (2) An intern, resident, or foreign-trained physician, or a physician on the staff of a Department of Veterans Affairs facility or other facility serving veterans, exempted from registration under this chapter, shall include on all prescriptions issued by the physician:
 - (A) The registration number of the hospital or other institution; and
 - (B) The special internal code number assigned to the physician by the hospital or other institution in lieu of the registration number of the practitioner required by this section.

The hospital or other institution shall forward a copy of this special internal code number list to the department as often as necessary to update the department with any additions or deletions. Failure to comply with this paragraph shall result in the suspension of that facility's privilege to fill controlled substance prescriptions at pharmacies outside of the hospital or other institution. Each written prescription shall have the name of the physician stamped, typed, or hand-printed on it, as well as the signature of the physician;

- (3) An official exempted from registration shall include on all prescriptions issued by the official:
 - (A) The official's branch of service or agency (e.g., "U.S. Army" or "Public Health Service"); and
 - (B) The official's service identification number, in lieu of the registration number of the practitioner required by this section. The service identification number for a Public Health Service employee shall be the employee's social security or other government issued identification number.

Each prescription shall have the name of the officer stamped, typed, or handprinted on it, as well as the signature of the officer; and

- (4) A physician assistant registered to prescribe controlled substances under the authorization of a supervising physician shall include on all controlled substance prescriptions issued:
 - (A) The Drug Enforcement Administration registration number of the supervising physician; and
 - (B) The Drug Enforcement Administration registration number of the physician assistant.

Each written controlled substance prescription issued shall include the printed, stamped, typed, or hand-printed name, address, and phone number of both the supervising physician and physician assistant, and shall be signed by the physician assistant. ~~[The medical record of each written controlled substance prescription issued by a physician assistant shall be reviewed and initialed by the physician assistant's supervising physician within seven working days.]~~"

SECTION 7. Section 338-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In preparing a certificate of death or fetal death the person in charge of the disposition of the body shall:

- (1) Obtain and enter on the certificate the personal data and other information pertaining to the deceased person required by the department from the person best qualified to supply them;
- (2) Present the certificate of death to the physician, physician assistant, or advanced practice registered nurse last in attendance upon the deceased, or to the coroner's physician, who shall thereupon certify the cause of death to the physician's, physician assistant's, or advanced practice registered nurse's best knowledge and belief, or present the certificate of fetal death to the physician, physician assistant, advanced practice registered nurse, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as can be furnished; provided that fetal deaths of less than twenty-four weeks or intentional terminations of pregnancy performed in accordance with section 453-16 may be certified by a nurse or other employee based upon the physician's records; and
- (3) Notify immediately the appropriate local agent, if the death occurred without medical attendance, or if the physician, physician assistant, or advanced practice registered nurse last in attendance fails to sign the death certificate. In such event the local agent shall inform the local health officer, and refer the case to the local health officer for immediate investigation and certification of the cause of death prior to issuing a permit for burial, or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local agent may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts.

If the circumstances of the case suggest that the death or fetal death was caused by other than natural causes, the local agent shall refer the case to the coroner for investigation and certification."

SECTION 8. Section 338-17.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department of health shall establish, in the following circumstances, a new certificate of birth for a person born in this State who already has a birth certificate filed with the department and who is referred to below as the "birth registrant":

- (1) Upon receipt of an affidavit of paternity, a court order establishing paternity, or a certificate of marriage establishing the marriage of the natural parents to each other, together with a request from the birth registrant, or the birth registrant's parent or other person having legal custody of the birth registrant, that a new birth certifi-

- cate be prepared because previously recorded information has been altered pursuant to law;
- (2) Upon receipt of a certified copy of a final order, judgment, or decree of a court of competent jurisdiction that determined the nonexistence of a parent and child relationship between a person identified as a parent on the birth certificate on file and the birth registrant;
 - (3) Upon receipt of a certified copy of a final adoption decree, or of an abstract of the decree, pursuant to sections 338-20 and 578-14;
 - (4) Upon receipt of an affidavit from a United States licensed physician or physician assistant attesting that:
 - (A) The physician or physician assistant has a bona fide [~~physician-patient~~] provider-patient relationship with the birth registrant;
 - (B) The physician or physician assistant has treated and evaluated the birth registrant and has reviewed and evaluated the birth registrant's medical history;
 - (C) The birth registrant has had appropriate clinical treatment for gender transition to the new gender and has completed the transition to the new gender; and
 - (D) The new gender does not align with the sex designation on the birth registrant's birth certificate; or
 - (5) Upon request of a law enforcement agency certifying that a new birth certificate showing different information would provide for the safety of the birth registrant; provided that the new birth certificate shall contain information requested by the law enforcement agency, shall be assigned a new number and filed accordingly, and shall not substitute for the birth registrant's original birth certificate, which shall remain in place."

SECTION 9. Section 392-26, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) An individual shall be ineligible to receive temporary disability benefits with respect to any period during which the individual is not under the care of a person duly licensed to practice medicine, surgery, dentistry, chiropractic, osteopathy, or naturopathic medicine, a physician assistant, or an advanced practice registered nurse, who shall certify, in the form and manner specified by rule of the director, the disability of the claimant, the probable duration of the disability, and such other medical facts within the person's knowledge as required by rule."

2. By amending subsection (c) to read:

"(c) The proof of disability duly certified by a person licensed to practice medicine, surgery, dentistry, chiropractic, osteopathy, or naturopathic medicine, a physician assistant, or an advanced practice registered nurse, or an authorized or accredited practitioner of any group that depends for healing upon prayer or other spiritual means shall be submitted by the certifying person to the disabled employee within seven working days after the date on which the employee was examined and found disabled. If the certifying person fails to submit the required proof within seven working days, the director, upon notification by the insurer, may levy a penalty of \$25 for each delinquent certification where the certifying person fails to show good cause for the person's failure to file on time."

SECTION 10. Section 453-5.3, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) For medical records of patients seen by physician assistants:

- (1) Each physician assistant and supervising physician, osteopathic physician, or group of physicians shall establish written guidelines for the review of medical records as appropriate to the specific practice. These guidelines shall be kept in the office of the practice setting in which either the physician assistant or supervising physician, osteopathic physician, or group of ~~[[physicians]]~~ practices, and shall be made available to the Hawaii medical board and the regulated industries complaints office or its designees;
- (2) The supervising physician, osteopathic physician, or group of physicians shall review medical records as required by this subsection; provided that:
 - (A) When supervising a physician assistant with less than one year of practice experience as a licensed physician assistant, the supervising physician, osteopathic physician, or group of physicians shall:
 - (i) For the first six months of supervision, review fifty per cent of the medical records within thirty days of the patient visit; ~~and~~
 - (ii) For the next six months of supervision, review twenty-five per cent of the medical records within thirty days of the patient visit~~[-]; and~~
 - (iii) For physician assistants who issue controlled substance prescriptions, at least fifty per cent of the records reviewed under clause (i) or (ii) shall include controlled substance prescriptions; provided further that if the number of records that include controlled substance prescriptions amounts to less than fifty per cent of the records in clause (i) or (ii), the supervising physician, osteopathic physician, or group of physicians shall review as many controlled substance prescriptions as are available.

The board may, on a case-by-case basis, require physician assistants ~~[that]~~ who begin in a new practice specialty with less than one year of full-time practice experience in the specialty to comply with this ~~[subparagraph;]~~ clause; and
 - (B) When supervising a physician assistant with more than one year of practice experience as a licensed physician assistant, the supervising physician, osteopathic physician, or group of physicians shall:
 - (i) Establish a process for the regular review of a sample of medical records of patients seen by the physician assistant~~[-];~~ including a sample of controlled substance records, if available; and
 - (ii) For at least thirty minutes each month, perform an audit and review of the medical records; and
- (3) Notwithstanding paragraph (2), a supervising physician, osteopathic physician, or group of physicians may require additional supervisory requirements at any time for patient safety.”

SECTION 11. Section 453-5.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§453-5.5]] Physician assistant; authority to sign documents. Any physician assistant who holds a current, valid, and permanent license to practice medicine pursuant to this chapter, and who is under the supervision of a licensed

physician or osteopathic physician, shall have the authority to sign the following documents:

- (1) Certification of psychiatric medical condition of the parents of a child applicant for aid from the temporary assistance for needy families program;
- (2) Evaluation forms for Hansen’s disease patients;
- (3) Orders for physical therapy and plans of care;
- (4) Pharmacist orders to assist in monitoring and management of anti-coagulation anemia and atrial fibrillation;
- (5) Orders for speech therapy and plans of care;
- (6) Applications for bracelets indicating compassionate care only;
- (7) Admissions applications for foster homes;
- (8) Dietary consultations forms; ~~and~~
- (9) Medicaid application forms for nursing care facility admission[-];
and
- (10) Orders for occupational therapy and plans of care.”

SECTION 12. Section 461-1, Hawaii Revised Statutes, is amended by amending the definition of “practice of pharmacy” to read as follows:

““Practice of pharmacy” means:

- (1) The interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefor; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices; and the interpretation and evaluation of prescription orders to adjust the supply dispensed for purposes of medication synchronization pursuant to section 431:10A-606, 432:1-621, or 432D-30;
- (2) Performing the following procedures or functions as part of the care provided by and in concurrence with a “health care facility” and “health care service” as defined in section 323D-2[-]; or a “pharmacy”; or a licensed physician ~~[or]~~, a licensed physician assistant, or a licensed advanced practice registered nurse with prescriptive authority[-]; or a “managed care plan” as defined in section 432E-1, in accordance with policies, procedures, or protocols developed collaboratively by health professionals, including physicians and surgeons, pharmacists, physician assistants, and registered nurses, and for which a pharmacist has received appropriate training required by these policies, procedures, or protocols:
 - (A) Ordering or performing routine drug therapy related patient assessment procedures;
 - (B) Ordering drug therapy related laboratory tests;
 - (C) Initiating emergency contraception oral drug therapy in accordance with a written collaborative agreement approved by the board, between a licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority and a pharmacist who has received appropriate training that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE), curriculum-based programs from an ACPE-accredited college of pharmacy, state or local

- health department programs, or programs recognized by the board of pharmacy;
- (D) Administering drugs orally, topically, by intranasal delivery, or by injection, pursuant to the order of the patient's licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority, by a pharmacist having appropriate training that includes programs approved by the ACPE, curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
 - (E) Administering:
 - (i) Immunizations orally, by injection, or by intranasal delivery, to persons eighteen years of age or older by a pharmacist having appropriate training that includes programs approved by the ACPE, curriculum-based programs from an ACPE-accredited college of pharmacy, state or local health department programs, or programs recognized by the board of pharmacy;
 - (ii) Vaccines to persons between fourteen and seventeen years of age pursuant to section 461-11.4; and
 - (iii) Human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, and influenza vaccines to persons between eleven and seventeen years of age pursuant to section 461-11.4;
 - (F) As authorized by the written instructions of a licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority, initiating or adjusting the drug regimen of a patient pursuant to an order or authorization made by the patient's licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority and related to the condition for which the patient has been seen by the licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority; provided that the pharmacist shall issue written notification to the patient's licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority or enter the appropriate information in an electronic patient record system shared by the licensed physician, physician assistant, or advanced practice registered nurse with prescriptive authority, within twenty-four hours;
 - (G) Transmitting a valid prescription to another pharmacist for the purpose of filling or dispensing;
 - (H) Providing consultation, information, or education to patients and health care professionals based on the pharmacist's training and for which no other licensure is required; or
 - (I) Prescribing and dispensing an opioid antagonist pursuant to section 461-11.8;
- (3) The offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy; and
 - (4) Prescribing and dispensing contraceptive supplies pursuant to section 461-11.6.”

SECTION 13. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 15. This Act shall take effect on July 1, 2022; provided that the amendments made to section 329-38(i), Hawaii Revised Statutes, by section 6 of this Act shall not be repealed when that section is reenacted on June 30, 2023, pursuant to section 6 of Act 66, Session Laws of Hawaii 2017.

(Approved July 12, 2022.)

ACT 294

H.B. NO. 1894

A Bill for an Act Relating to Human Remains.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there has been a recent increase of interest in traditional Native Hawaiian practices for burials amongst Native Hawaiians and non-Native Hawaiians. The cultural significance of iwi kupuna, or ancestral bones, is deeply rooted in Native Hawaiian oral traditions, language, and culture. Native Hawaiian burial traditions acknowledge the natural cycles of life and death, and kupuna offer spiritual sustenance to present generations. Traditional Native Hawaiian burials include the practices for treatment of human remains, which involve reducing remains to skeletal components and interring the iwi in a kapa or lauhala container. The legislature finds that these traditional Native Hawaiian burials play a critical role in Hawaiian culture and should be encouraged to promote greater cultural preservation.

The legislature also finds that a process called water cremation, technically known as alkaline hydrolysis, provides a more eco-friendly, cleaner, and gentler alternative to flame cremation for the treatment of remains. The legislature recognizes that in 2018, the remains of over eight thousand five hundred individuals were cremated by conventional means in the State, resulting in the release of over 4,500,000 pounds of carbon dioxide into the atmosphere. Water cremation, which uses a base solution of ninety-five per cent water and five per cent potassium hydroxide to accelerate decomposition, consumes one-eighth the energy of a flame crematory and results in a seventy-five per cent reduction in carbon emissions. This alternative process also destroys pathogens, protects operators, leaves no deoxyribonucleic acid in water or cremated remains, emits no mercury amalgam into the atmosphere, does not contaminate groundwater, does not require the extraction of pacemakers and implants from the deceased (families may choose to extract those implants to recycle them), and returns a safe by-product to the families of the deceased. The alternative water cremation process benefits both practitioners of traditional Native Hawaiian burial techniques and individuals who want an environmentally-friendly cremation option for themselves or their loved ones. For more than fifteen years, leading institutions, such as the Mayo Clinic in Rochester, Minnesota, and the University of California School of Medicine, have used water cremation, and more than twenty-one states have approved the process.

Accordingly, the purpose of this Act is to accommodate the use of both traditional Native Hawaiian burial practices and environmentally-friendly burial

practices by including water cremation in the treatment and disposal of human remains.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to title 19 to be appropriately designated and to read as follows:

“CHAPTER
HYDROLYSIS FACILITIES

§ -1 **Definitions.** As used in this chapter, unless the context requires otherwise:

“Department” means the department of health.

“Hydrolysis equipment” has the same meaning as in section 531B-2.

“Hydrolysis facility” has the same meaning as in section 531B-2.

§ -2 **Hydrolysis facilities operating as mortuaries or funeral establishments; human remains.** Any commercial hydrolysis facility in the State handling human remains shall be subject to the requirements for funeral establishments and mortuaries.

§ -3 **Hydrolysis equipment.** Hydrolysis equipment used at any hydrolysis facility in the State shall:

- (1) Reach a temperature of at least three hundred degrees Fahrenheit or one hundred fifty degrees Celsius to guarantee the complete sterilization of the liquid and bones, as validated using *Geobacillus stearothermophilus* spores at one million colony forming units per milliliter;
- (2) Be in a horizontal position during operation;
- (3) Include focused agitation cranial targeting to ensure the breakdown of brain tissue;
- (4) Include a dedicated heated chemical rinse cycle to ensure that the final bones exiting from the vessel are white and free from contaminants that prevent proper drying; and
- (5) Be operated on human remains only when the remains are wrapped in bioplastic or natural protein-based fibers, including silk, leather, or wool.

§ -4 **Wastewater discharge.** Hydrolysis facilities shall pretreat the wastewater effluent prior to discharge pursuant to county, state, and federal regulations. The wastewater shall only be discharged into a municipal sewer system as approved by the counties. Discharges into privately owned wastewater systems shall not be allowed.”

SECTION 3. Section 327-32, Hawaii Revised Statutes, is amended to read as follows:

“§327-32 **Administration; duties of health officers.** Every head officer of a hospital, nursing home, correctional facility, funeral parlor, or mortuary and every county medical examiner or coroner and every state or county officer, and every other person who has possession, charge, or control of any unclaimed dead human body that may ~~[be cremated]~~ undergo cremation as defined in section 531B-2 at public expense pursuant to section 346-15 shall:

- (1) Exercise due diligence to notify the relatives[,] and friends of the decedent, any representative of a fraternal society of which the deceased was a member, and any legally responsible party; and
- (2) Submit in writing to the department of human services a description of the efforts used in making the determination that the dead

human body is unclaimed in accordance with section 346-15, if payment for cremation is sought.

Nothing in this section shall be construed to affect the requirements relating to the filing of a certificate of death with the department of health pursuant to chapter 338.”

SECTION 4. Section 327-36, Hawaii Revised Statutes, is amended to read as follows:

“§327-36 **Final disposition of anatomical gifts.** A person or procurement organization that holds a dead human body as a result of an anatomical gift shall, when the body is deemed of no further value for purposes of transplantation, therapy, research, or education, be responsible for the final disposition of that dead human body and all of its parts, except those parts used for transplantation. The person or procurement organization shall dispose of the remains by cremation[~~]~~ as defined in section 531B-2, except as otherwise provided in section 327-14 or as directed in a document of gift, subject to any required disposition permits.”

SECTION 5. Section 346-15, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) All unclaimed dead human bodies shall ~~[be cremated]~~ undergo cremation as defined in section 531B-2. The department may bear the cost of the mortuary ~~[and]~~, crematory, or hydrolysis facility services for unclaimed dead human bodies furnished by any licensed provider of ~~[mortuary or crematory]~~ these services. Payments for ~~[mortuary and crematory]~~ these services shall be made to the extent of the cost, or in the sum of \$800 in total, whichever is less, for each unclaimed dead human body. Individuals who have possession, charge, or control of any unclaimed dead human body to ~~[be cremated]~~ undergo cremation at public expense shall have sixty days from the date of the deceased’s death to submit in writing to the department its determination that the dead human body is unclaimed and its application for payment for cremation. The county medical examiners or coroners shall have no time limitation by which to submit their written determination that the dead human body is unclaimed and their application for payment for cremation.”

2. By amending subsection (e) to read:

“(e) For the purposes of this section, “unclaimed dead human body” means the remains of any deceased person for whom no one has assumed responsibility for disposition and no legally responsible individual has been identified. Pursuant to section 327-32, the department shall review the written description of the efforts used in making the determination that a dead human body is unclaimed and approve the determination for purposes of payment of the mortuary ~~[and]~~, crematory, or hydrolysis facility services, if it meets the department’s requirements.”

SECTION 6. Section 531B-2, Hawaii Revised Statutes, is amended as follows:

1. By adding six new definitions to be appropriately inserted and to read:

““Conventional cremation” means the irreversible process of reducing human remains to bone fragments or skeletal remains through heat and evaporation.

“Cremated remains” means all human remains recovered after the completion of the cremation, which may include the residue of any foreign matter.

including casket material, bridgework, or eyeglasses that were cremated with the human remains.

“Cremation” means conventional cremation or water cremation.

“Hydrolysis equipment” means the equipment, machinery, or unit specifically designed and built for the purposes of processing human remains using water cremation. “Hydrolysis equipment” includes prebuilt and prepackaged hydrolysis units or equipment that is erected on site of a hydrolysis facility.

“Hydrolysis facility” means a structure, room, or other space in a building or structure containing hydrolysis equipment, to be used for water cremation.

“Water cremation” means alkaline hydrolysis, which is the reduction of human remains to bone fragments and essential elements using heat, pressure, water, and base chemical agents.”

2. By amending the definition of “crematory” to read:

““Crematory” means a structure containing a furnace used or intended to be used for the conventional cremation of human remains.”

SECTION 7. Section 531B-6, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~531B-6~~”~~ Forfeiture of right to direct disposition. A person entitled under law to the right of disposition shall forfeit that right, and the right is passed on to the next person in the order of priority as listed in section 531B-4, under the following circumstances:

- (1) The person is charged with murder or manslaughter in connection with the decedent’s death, and the charges are known to the funeral director or manager of the funeral establishment, cemetery, mortuary, ~~[or] crematory[;], or hydrolysis facility;~~ provided that if the charges against the person are dismissed, or if the person is acquitted of the charges, the right of disposition is returned to that person, unless the dismissal or acquittal occurs after the final disposition has been completed;
- (2) The person does not exercise the person’s right of disposition within five days of notification of the decedent’s death or within seven days of the decedent’s death, whichever is earlier;
- (3) The person and the decedent are spouses, civil union partners, or reciprocal beneficiaries, and at the time of the decedent’s death, proceedings for annulment, divorce, or separation had been initiated or a declaration for termination of the reciprocal beneficiary relationship had been filed; or
- (4) The probate court pursuant to section 531B-7 determines that the person entitled to the right of disposition and the decedent were estranged at the time of death.”

SECTION 8. Section 531B-7, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The following provisions shall apply to the court’s determination under this section:

- (1) If two or more persons with the same priority class hold the right of disposition and cannot agree by majority vote regarding the disposition of the decedent’s remains, or there are any persons who claim to have priority over any other person, any of these persons or a funeral establishment, cemetery, mortuary, ~~[or] crematory,~~ or hydrolysis facility with custody of the remains may file a petition asking the probate court to make a determination in the matter; and

- (2) In making a determination in a case where there are two or more persons with the same priority class who cannot agree by majority vote, the probate court may consider the following:
 - (A) The reasonableness and practicality of the proposed funeral arrangements and disposition;
 - (B) The degree of the personal relationship between the decedent and each of the persons claiming the right of disposition;
 - (C) The desires of the person or persons who are ready, able, and willing to pay the cost of the funeral arrangements and disposition;
 - (D) The convenience and needs of other families and friends wishing to pay respects;
 - (E) The desires of the decedent; and
 - (F) The degree to which the funeral arrangements would allow maximum participation by all wishing to pay respect.

(c) In the event of a dispute regarding the right of disposition, a funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility shall not be liable for refusing to accept the remains, to inter or otherwise dispose of the remains of the decedent, or complete the arrangements for the final disposition of the remains until it receives a court order or other written agreement signed by the parties in the disagreement that the dispute has been resolved or settled.

If the funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility retains the remains for final disposition while the parties are in disagreement, it may embalm or refrigerate and shelter the body, or both, while awaiting the final decision of the probate court and may add the cost of embalming or refrigeration and sheltering to the cost of final disposition.

If a funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility brings an action under this section, it may add the legal fees and court costs associated with a petition under this section to the cost of final disposition.

This section shall not be construed to require or impose a duty upon a funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility to bring an action under this section.

A funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility and its officers, directors, managers, members, partners, or employees may not be held criminally or civilly liable for choosing not to bring an action under this section.”

SECTION 9. Section 531B-8, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) A funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility shall have the right to rely on the funeral service agreement, cremation authorization form, or any other authorization form, including the identification of the decedent, and shall have the authority to carry out the instructions of the person or persons whom the funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility reasonably believes to hold the right of disposition.

(c) The funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility shall have no responsibility to verify the identity of the decedent or contact or independently investigate the existence of any person who may have a right of disposition. If there is more than one person in the same priority class pursuant to section 531B-4 and the funeral establishment, cemetery, mortuary, [Ø] crematory, or hydrolysis facility has no knowledge of any objection by other members of the priority class, it may rely on and act accord-

ing to the instructions of the first person in the priority class to make funeral and disposition arrangements; provided that no other person in the priority class provides written notice to the funeral establishment, cemetery, mortuary, [☐] crematory, or hydrolysis facility of that person's objections."

SECTION 10. Section 531B-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A funeral director or manager of a funeral establishment, cemetery, mortuary, [☐] crematory, or hydrolysis facility shall have complete authority to direct and control the final disposition and disposal of a decedent's remains and to proceed under this chapter to recover reasonable charges for the final disposition and disposal if:

- (1) The funeral director or manager:
 - (A) Has no knowledge that any of the persons described in section 531B-4(a)(1) through [(a)(10)] exist;
 - (B) Has knowledge that the person or persons who may or do have the right of disposition cannot be found after reasonable inquiry or reasonable attempts to contact; or
 - (C) Has knowledge that the person or persons who may or do have the right of disposition have lost this right pursuant to section 531B-6; and
- (2) The appropriate public authority fails to assume responsibility for disposition of the remains within thirty-six hours after having been given written notice of the decedent's death. Written notice may be given by hand delivery, certified mail, facsimile transmission, or electronic mail transmission."

SECTION 11. Section 531B-10, Hawaii Revised Statutes, is amended to read as follows:

"~~[(§531B-10)]~~ **Disposition of unclaimed cremated remains.** Whenever any cremated remains have been in the lawful possession of any funeral establishment, cemetery, mortuary, [☐] crematory, or hydrolysis facility for sixty or more days, and the person entitled under law to the right of disposition fails, neglects, or refuses to take custody of the cremated remains or direct the disposition, the funeral establishment, cemetery, mortuary, [☐] crematory, or hydrolysis facility with lawful possession of the cremated remains may dispose of the remains by any manner that is not inconsistent with any law of the State."

SECTION 12. Section 531B-11, Hawaii Revised Statutes, is amended to read as follows:

"~~[(§531B-11)]~~ **Immunity.** No funeral establishment, cemetery, mortuary, [☐] crematory, or hydrolysis facility or any of its officers, directors, members, partners, funeral directors, managers, or employees who reasonably rely in good faith upon the instructions of an individual claiming the right of disposition shall be subject to criminal or civil liability or administrative or disciplinary action for carrying out the disposition of the remains in accordance with the instructions."

SECTION 13. Section 841-10, Hawaii Revised Statutes, is amended to read as follows:

"**§841-10 Decent burial.** When any coroner or deputy coroner takes an inquest upon the dead body of a stranger or indigent person or, being called for that purpose, does not [think] determine it necessary, on view of the body, that any inquest should be taken, the coroner or deputy coroner shall cause the

body to be decently buried or ~~cremated~~ undergo cremation as defined in section 531B-2. A burial-transit permit authorizing a burial or cremation shall be secured from the local agent of the department of health by the person in charge of ~~such~~ the burial or cremation.”

SECTION 14. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

ACT 295

H.B. NO. 1761

A Bill for an Act Relating to Identification Cards.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the federal REAL ID Act of 2005, P.L. 109-13, requires states to comply with federally mandated eligibility criteria in issuing driver’s licenses and identification cards, which are often referred to as “REAL ID compliant”. However, the REAL ID Act specifically allows states to issue driver’s licenses and identification cards that do not comply with the requirements of the REAL ID Act.

The legislature recognizes that many residents who are young adults, elderly persons, houseless persons, undocumented immigrants, or lawfully present non-immigrants do not drive and are also unable to meet the stringent requirements for a REAL ID-compliant identification card. These residents are therefore unable to access state-issued identification.

The legislature further finds that the coronavirus disease 2019 (COVID-19) pandemic has exacerbated the already difficult, but necessary, process of proving one’s identity. Restaurants, theaters, public libraries, and other public venues now require valid proof of vaccination and identity for entry. Before the COVID-19 pandemic, state office buildings, including the Queen Liliuokalani and Princess Ruth Keelikolani buildings, required valid proof of identity for entry.

The legislature notes that pursuant to Act 172, Session Laws of Hawaii 2015, the limited purpose driver’s license, limited purpose provisional driver’s license, and limited purpose instruction permit were made available to individuals who otherwise satisfy the requirements for a driver’s license, provisional driver’s license, or instruction permit except for the individual’s inability or refusal to provide satisfactory proof of authorized presence in the United States under federal law. The legislature believes that a similar limited purpose identification card would benefit the residents of the State by:

- (1) Helping emergency personnel, including police and emergency response teams, to better identify persons in distress and other persons that these emergency personnel encounter;
- (2) Providing access to public services to individuals previously unable to obtain a government-issued identification card, including having prescriptions filled; picking up packages at post offices; and enjoy-

- ing kamaaina discounts at museums, hotels, and public parks, including Hanauma Bay;
- (3) Promoting public safety by easing many undocumented immigrants' fears of interacting with law enforcement while lacking valid identification; and
 - (4) Providing access to financial services offered by, and allowing more residents to open accounts at, banks that honor state identification cards, which will, in turn:
 - (A) Increase the personal safety of these residents as they will no longer have to personally carry large amounts of cash; and
 - (B) Make these residents less reliant on check-cashing businesses that may charge fees of up to five per cent or \$5 per transaction.

Accordingly, the purpose of this Act is to authorize the issuance of limited purpose identification cards for individuals who otherwise satisfy the requirements for a government-issued identification card except for the individual's inability or refusal to provide satisfactory proof of authorized presence in the United States under federal law.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to part XVI to be appropriately designated and to read as follows:

“§286- Limited purpose identification cards. (a) Every person who submits an application for an identification card that satisfies the requirements of this part except for the applicant's inability or refusal to provide satisfactory proof of authorized presence in the United States under federal law shall be issued a limited purpose identification card that is uniquely identified as being not in compliance with the REAL ID Act of 2005. The examiner of drivers shall accept various types of documentation for the purpose of establishing the applicant's identity and residency in the State, which may be established by more than one document. Acceptable documentation includes:

- (1) A valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship or a valid, unexpired passport from the applicant's country of citizenship;
- (2) An original birth certificate or other proof of age, as designated by the examiner of drivers;
- (3) A current home utility bill, lease, or rental agreement, or deed or title to real property in the State, as designated by the examiner of drivers;
- (4) A United States Department of Homeland Security Form I-589, Application for Asylum and for Withholding of Removal;
- (5) An official school or college transcript that includes the applicant's date of birth or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued;
- (6) An official school or college identification card that includes the applicant's full name and a photograph of the applicant at the time the identification was issued;
- (7) A United States Department of Homeland Security Form I-20 or United States Department of State Form DS-2019;
- (8) A United States Citizenship and Immigration Services Deferred Action for Childhood Arrival approval letter;
- (9) A valid identification card for health benefits;
- (10) A valid identification card for an assistance or social services program;
- (11) A current voter registration card issued by the State;

- (12) A wage stub issued in the six months immediately preceding submittal of the applicable application;
- (13) An income tax return filed in the two years immediately preceding submittal of the applicable application;
- (14) A social security card;
- (15) One of the following documents which, if in a language other than English, shall be accompanied by a certified translation or an affidavit of translation into English:
 - (A) Marriage license or divorce certificate;
 - (B) Foreign federal electoral photo card issued on or after January 1, 1991;
 - (C) Foreign student identification card; or
 - (D) Foreign driver's license;
- (16) A prison identification, certificate of discharge, or order of parole issued by the department of public safety, or a printout prepared by the department of public safety with the applicant's photograph, name, and date of birth; or
- (17) Other proof of Hawaii residency as designated by the director.

(b) Every application under this section shall be made upon the form, and in the manner, required by section 286-303 and be accompanied by the fee established for non-limited purpose identification cards pursuant to section 286-309. The examiner of drivers shall not:

- (1) Require any applicant under this section to furnish information regarding the applicant's eligibility or ineligibility for a social security number; or
- (2) Disclose the identity of any applicant who does not provide a social security card or social security number.

(c) Every limited purpose identification card issued pursuant to this section shall on its face and in a machine readable zone bear the phrase, "Not acceptable for official federal purposes"; be of a unique design or color indication that clearly distinguishes the limited purpose identification card from the State's federally compliant identification cards; and on its reverse bear the phrase, "This identification card is issued only for state identification purposes. It does not establish eligibility for employment, voter registration, or public benefits". If the United States Department of Homeland Security determines that any limited purpose identification card issued pursuant to this section does not satisfy the requirements of title 6 Code of Federal Regulations section 37.71, the examiner of drivers, under the direction of the department of transportation, shall modify the limited purpose identification card issued pursuant to this section; provided that the limited purpose identification card shall only be modified to the extent necessary to satisfy the requirements of the federal law.

(d) Every limited purpose identification card shall expire in accordance with section 286-306.

(e) A limited purpose identification card may be renewed in accordance with section 286-306.

(f) It shall be a violation of law to discriminate against a person because the person applied for, was denied, was issued, holds, or presents a limited purpose identification card.

(g) A limited purpose identification card issued pursuant to this section shall not be used to consider a person's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

(h) Documents and information collected pursuant to an application for, denial of, or issuance of a limited purpose identification card shall be confi-

dential and shall not be disclosed by the examiner of drivers or the department of transportation except as required by law.

(i) A person in possession of a REAL ID document shall be ineligible for a limited purpose identification card.

(j) The director shall adopt rules in accordance with chapter 91 to implement this section.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 296

S.B. NO. 3289

A Bill for an Act Relating to Hawaii Retirement Savings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to establish a state-facilitated payroll-deduction retirement savings plan for private sector employees in Hawaii who do not have access to employer-sponsored retirement plans.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII RETIREMENT SAVINGS**

§ -1 **Short title.** This chapter shall be known and may be cited as the Hawaii Retirement Savings Act.

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Board” means the Hawaii retirement savings board established under section -3.

“Covered employee” means an individual who:

- (1) Is a resident of the State;
- (2) Is eighteen years of age or older;
- (3) Is in the employ of a covered employer; and
- (4) Receives wages or other remunerations from a covered employer for services rendered that are subject to income tax as compensation paid in the State pursuant to section 235-34.

“Covered employee” does not include an individual covered under the federal Railway Labor Act (45 United States Code chapter 8) or on whose behalf the employer makes contributions to a Taft-Hartley multiemployer pension trust fund.

“Covered employer” means any person who is in business in the State and has one or more individuals in employment. “Covered employer” does not include:

- (1) The United States;

- (2) The State or any of its political subdivisions; or
- (3) A person that has been maintaining for all employees during the preceding two years a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k), or 408(p) of the Internal Revenue Code.

“Department” means the department of labor and industrial relations.

“Director” means the director of labor and industrial relations.

“Individual retirement account” or “IRA” means a traditional or Roth individual retirement account or individual retirement annuity under section 408(a), 408(b), or 408A of the Internal Revenue Code.

“Internal Revenue Code” means the Internal Revenue Code of 1986, as amended (title 26 of the United States Code).

“Participant” means an individual who is contributing to an IRA under the program or has an IRA account balance under the program.

“Person” means any individual, firm, association, organization, sole proprietorship, partnership, company, corporation, joint venture, trust, or any other form of business, legal entity, or group of individuals.

“Program” means the Hawaii retirement savings program established pursuant to this chapter.

“Roth IRA” means a Roth individual retirement account or individual retirement annuity under section 408A of the Internal Revenue Code.

“Special fund” means the Hawaii retirement savings special fund established in section -8.

“Total fees and expenses” means all fees, costs, and expenses, including but not limited to administrative expenses, investment expenses, investment advice expenses, accounting costs, actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance annuitization costs, and other miscellaneous costs.

“Traditional IRA” means a traditional individual retirement account or traditional individual retirement annuity under section 408(a) or (b) of the Internal Revenue Code.

“Wages” has the same meaning as in section 388-1.

§ -3 Hawaii retirement savings board; establishment; purpose. (a)

There is established within the department for administrative purposes only, a Hawaii retirement savings board to implement and administer a state-facilitated payroll-deduction retirement savings program for private-sector employees who do not have access to employer-sponsored retirement plans.

(b) The board shall consist of nine members as follows:

- (1) Two ex officio, voting members who shall serve as the co-chairs of the board, consisting of:
 - (A) The director or the director’s designee; and
 - (B) The director of finance or the director’s designee;
- (2) Two ex officio, nonvoting members, consisting of:
 - (A) A member of the house of representatives appointed by the speaker of the house of representatives; and
 - (B) A member of the senate appointed by the president of the senate; and
- (3) Five voting members who shall hold no other public office, to be appointed by the governor and serve on the board in accordance with section 26-34, consisting of:

- (A) One member with professional knowledge and experience in establishing retirement savings plans and retirement investment products;
- (B) One member representing the interests of small businesses in Hawaii;
- (C) One member with professional knowledge and experience in representing the interests of employers in terms of retirement savings;
- (D) One member with professional knowledge and experience in representing the interests of employees in terms of retirement savings; and
- (E) One member who is a retiree who resides in Hawaii, representing retirees in Hawaii.

(c) The terms of board members shall be four years; provided that the initial appointments shall be for staggered terms, as determined by the governor; provided further that ex-officio board members shall serve at the pleasure of the appointing authority.

(d) A simple majority of voting members of the board shall constitute quorum to do business. Any action taken by the board shall be approved by a simple majority of the voting members present. Any vacancy on the board shall not impair the authority of the remaining members to exercise all the powers of the board. All decisions of the board shall be reduced into writing and shall state separately the board's findings of fact and conclusions.

(e) The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses, including travel expenses, incurred in carrying out their duties.

(f) The board, or its co-chairs with the approval of the board, may employ an executive director exempt from chapters 76 and 89, and other staff necessary to perform its duties.

§ -4 Hawaii retirement savings board; powers; duties. (a) The board shall have powers and duties in accordance with law to:

- (1) Establish, implement, and maintain the program;
- (2) Cause the program and arrangements and accounts established under the program to be designed, established, and operated:
 - (A) In accordance with best practices for retirement savings vehicles;
 - (B) To encourage participation, saving, sound investment practices, and appropriate selection of default investments;
 - (C) To maximize simplicity and ease of administration for employers;
 - (D) To minimize costs, including by collective investment and other measures to achieve economies of scale and other efficiencies in program design and administration;
 - (E) To promote portability of benefits; and
 - (F) To avoid preemption of the program by federal law;
- (3) Arrange for collective, common, and pooled investment of assets of the program;
- (4) Determine the eligibility of an employer, employee, or other individual to participate in the program;
- (5) Ensure the program's compliance with all applicable laws and regulations;
- (6) Establish procedures for the timely and fair resolution of participant and other disputes related to accounts or program operation;

- (7) Develop and implement:
 - (A) An investment policy that defines the program's investment objectives and that is consistent with the objectives of the program; and
 - (B) Other policies and procedures consistent with those investment objectives;
- (8) Cause expenses incurred to initiate, implement, maintain, and administer the program to be paid from the program and other available sources;
- (9) Establish and collect application, account, and administrative fees;
- (10) Accept grants, gifts, donations, legislative appropriations, loans, and other moneys from the State, any unit of federal, state, or local government, or any other person to defray the costs of administering and operating the program;
- (11) Enter into contracts pursuant to chapter 103D for services that the board deems necessary to carry out the purposes of this chapter, including:
 - (A) Services of private and public financial institutions, depositories, consultants, actuaries, counsel, auditors, investment advisors, investment administrators, investment management firms, other investment firms, third-party administrators, other professionals and service providers;
 - (B) Research, technical, financial, administrative, and other services; and
 - (C) Services of other state agencies to assist the board in the exercise of its powers and duties;
- (12) Develop and implement an outreach plan to gain input and disseminate information regarding the program and retirement savings in general;
- (13) Cause moneys to be held and invested and reinvested under the program;
- (14) Ensure that all contributions to individual retirement accounts under the program may be used only to:
 - (A) Pay benefits to participants under the program;
 - (B) Pay the cost of administering the program; and
 - (C) Make investments for the benefit of the program; provided that no assets of the program shall be transferred to the general fund of the State or to any other fund of the State or otherwise encumbered or used for any purpose other than those specified in this paragraph;
- (15) Provide for the payment of costs of administration and operation of the program;
- (16) Evaluate the need for and, if the board deems necessary, procure:
 - (A) Insurance against any and all loss in connection with the property, assets, or activities of the program; and
 - (B) Pooled private insurance;
- (17) Indemnify, including procurement of insurance if and as needed for this purpose, each board member from personal loss or liability resulting from the member's action or inaction as a board member;
- (18) Collaborate with and evaluate the role of financial advisors or other financial professionals, including in assisting and providing guidance for covered employees; and

- (19) Reimburse, when appropriate, the general fund of the State of Hawaii for the initial expenses incurred for initiating, implementing, maintaining, and administering the program; and
- (20) Take any other action the board deems reasonably necessary to carry out the purpose of this chapter.
 - (b) The board may develop and disseminate information designed to educate covered employees about the impacts of opting in to the program on take-home pay, savings strategies, and the benefits of planning and saving for retirement to help covered employees in deciding whether to participate and at what level participation may be appropriate.
 - (c) Board members, the executive director, and other staff of the board shall not:
 - (1) Have any interest, directly or indirectly, in the making of any investment under the program or in gains or profits accruing from any investment;
 - (2) Borrow any program-related funds or deposits, or use any program-related funds or deposits in any manner, for themselves or as an agent or partner of others; or
 - (3) Become an endorser, surety, or obligor on investments made under the program.

§ -5 Hawaii retirement savings program; due diligence; establishment; payroll deduction upon election to contribute. (a) There is established within the department, for administrative purposes only, a Hawaii retirement savings program. The program shall be administered by the board, in consultation with the department and the department of budget and finance. The board may determine the time frame for development and implementation of the program; provided that prior to implementation of the program, the board shall meet the requirements of subsections (b) and (c).

(b) Prior to implementation of the program, the board may conduct a detailed implementation and evaluation study and perform other due diligence tasks to determine the feasibility of the program parameters established by this chapter and the resources and time needed to implement the program. Upon completion of the study, the board shall report its findings and recommendations, including any proposed legislation and funding requirements, to the legislature.

(c) Upon submittal of its report to the legislature pursuant to subsection (b) and prior to implementation of the program, the board may determine the level of staffing necessary to implement the program, develop an implementation strategy and timetable, and conduct outreach efforts to potential covered employers and covered employees.

(d) Any covered employee may elect to contribute a portion of the employee's salary or wages to an individual retirement account provided by the program through payroll deduction.

(e) Beginning on a date to be determined by the board pursuant to subsection (a), a covered employer shall:

- (1) Allow a covered employee to enroll into the program after providing the covered employee with a written notice of the employee's right to opt in; and
- (2) For any covered employee who has opted in to the program:
 - (A) Withhold the covered employee's contribution amount from the employee's salary or wages; and
 - (B) Transmit the covered employee's payroll deduction contribution to the program on the earliest date the amount withheld

can reasonably be segregated from the covered employer's assets, but no later than the fifteenth day of the calendar month following the month in which the covered employee's contribution amounts are withheld.

(f) The program shall establish for each enrolled employee a Roth IRA, into which the contributions deducted from an employee's payroll shall be deposited. The board may add an option for all participants to affirmatively elect to contribute to a traditional IRA in addition to a Roth IRA.

(g) The contributions to and earnings on the amounts contributed to an employee's IRA under the program shall be owned by the employee. The State and employers shall have no proprietary interest in the contributions or earnings in an employee's IRA.

(h) Covered employers shall not make contributions, whether matching or not, to the program.

(i) The board may authorize matching contributions of up to \$500 per participant account from the special fund for the first 50,000 covered employees who participate in the program for twelve consecutive months after initial enrollment.

§ -6 Hawaii retirement savings program; contribution amount; rates.

The default contribution amount deducted from the payroll of a covered employee who has elected to contribute to the program shall be equal to five per cent of the covered employee's salary or wages; provided that an employee may elect to contribute a higher or lower percentage of compensation as long as the amount does not exceed the applicable contribution dollar limits under the Internal Revenue Code.

§ -7 Hawaii retirement savings program; program manager.

(a) The program shall be managed by a program manager that shall be a financial institution with professional knowledge and experience in managing payroll deduction IRAs, contracted by the board in compliance with chapter 103D.

(b) The program manager shall keep total fees and expenses as low as practicable; provided that the total fees and expenses of the program each year shall not exceed seventy-five basis points of the total assets of the program; provided further that this limit shall not apply during the initial three-year period following the establishment of the program.

(c) The program manager shall prepare and make available to all participants a report on the status of each participant's account at least once every calendar year.

§ -8 Hawaii retirement savings special fund.

(a) There is established within the state treasury a Hawaii retirement savings special fund, into which shall be deposited:

- (1) Moneys appropriated to the fund by the legislature;
- (2) Moneys transferred to the fund from the federal government, other states, and their political subdivisions;
- (3) Fees collected by the board in relation to the administration and operation of the program;
- (4) Grants, gifts, and donations made to the board for deposit into the fund;
- (5) Moneys collected for the fund from:
 - (A) Contributions to, or investment returns or assets of, the program; or

- (B) Other moneys collected by or for the program or pursuant to arrangements established under the program, to the extent permitted under federal and state law;
 - (6) Interest earned or accrued on moneys deposited in the fund; and
 - (7) Penalties collected pursuant to section -14.
- (b) All moneys in the special fund are appropriated for the purposes of and shall be expended by the department to pay the administrative costs and expenses of the program, program manager, matching contributions to participant accounts, and the administrative costs and expenses that the board incurs in the performance of its duties under this chapter, and to reimburse the general fund of the State of Hawaii for the initial expenses incurred for initiating, implementing, maintaining, and administering the program.

§ -9 Protection from liability; employers. (a) No covered employer or other employer shall be liable for or bear responsibility for:

- (1) An employee's decision to opt in or not participate in the program;
 - (2) Investment decisions made by the participants and the board;
 - (3) The administration, investment, investment returns, or investment performance of the program, including any interest rate or other rate of return earned on any contribution or account balance; provided that the employer played no role in the investment;
 - (4) The program design or the benefits paid to participants;
 - (5) Individuals' awareness of or compliance with the conditions and other provisions of the tax laws that determine:
 - (A) Which individuals are eligible to make tax-favored contributions to IRAs;
 - (B) The permissible amount of contributions; and
 - (C) The time frame and manner within which contributions are to be made;
 - (6) Any loss, failure to realize any gain, or any other adverse consequences, including any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of program participation; or
 - (7) Any loss, deficiency, or damages caused by or related to the action or inaction of the program manager.
- (b) No covered employer or other employer shall be, or shall be considered to be, a fiduciary in relation to the program or any other arrangement under the program.

§ -10 Protection from liability; State. (a) The State, department of labor and industrial relations, Hawaii retirement savings board, Hawaii retirement savings program, and other departments, agencies, boards, commissions, and programs of the State and any officers or employees thereof:

- (1) Shall not be responsible for compliance by covered employers or other individuals with the conditions and other provisions of the Internal Revenue Code that determine:
 - (A) Which covered employees or other individuals are eligible to make tax-favored contributions to IRAs;
 - (B) The permissible amount of contributions; and
 - (C) The time frame and manner within which contributions are to be made;
- (2) Shall have no duty, responsibility, or liability to any party for the payment of any benefits under the program, regardless of wheth-

er sufficient funds are available under the program to pay those benefits;

- (3) Shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and
- (4) Shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or any other adverse consequences, including any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any covered employees or other person as a result of participating in the program.

(b) The debts, contracts, and obligations of the program or the board are not the debts, contracts, and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts, and obligations of the program or the board.

§ -11 Confidentiality of participant and account information. Individual account information relating to accounts under the program and relating to individual participants, including but not limited to names, addresses, telephone numbers, email addresses, personal identification information, investments, contributions, and earnings, is confidential and shall be maintained as confidential:

- (1) Except to the extent necessary to administer the program in a manner consistent with this chapter, the tax laws of the State, and the Internal Revenue Code; or
- (2) Unless the participant who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

§ -12 Collaboration and cooperation; intergovernmental; interstate. (a) The board may enter into an intergovernmental agreement or memorandum of understanding with the State or any agency of the State to receive outreach, technical assistance, enforcement and compliance services, or collection or dissemination of information pertinent to the program, subject to a confidentiality agreement deemed appropriate by the board and other agencies of the State.

(b) The State and any department, board, commission, or agency that enter into an agreement or memorandum of understanding pursuant to this section shall collaborate to provide the outreach, assistance, information, and compliance or other services or assistance to the board. Memoranda of understanding executed pursuant to this section may cover the sharing of costs incurred in gathering and disseminating information and the reimbursement of costs for any enforcement activities or assistance.

(c) The board may enter into a contract, agreement, memorandum of understanding, or other arrangement to collaborate, cooperate, coordinate, contract, or combine resources, investments, or administrative functions with other governmental entities, including other states or any of their agencies or instrumentalities that maintain or are establishing retirement savings programs compatible with the program, including collective, common, or pooled investments with other funds of other states' programs with which the assets of the program and trust are permitted by law to be collectively invested, to the extent necessary or desirable for the effective and efficient design, administration, and implementation of the program consistent with the purposes set forth in this chapter, including the purpose of achieving economies of scale and other efficiencies designed to minimize costs for the program and its participants.

§ -13 **Civil actions.** Any covered employee denied enrollment into the program in violation of section -5(e)(1) may file a civil action against the covered employer to require the covered employer to enroll the covered employee into the program and recover costs, including reasonable attorneys' fees, incurred in the civil action.

§ -14 **Penalties.** (a) Any covered employer who fails to enroll a covered employee into the program in accordance with section -5(e)(1) without equitable justification shall be liable:

- (1) To the covered employee, in an amount equal to the contribution amount that would have been made by the employee into the program and interest at a rate of six per cent per year on the contribution amount, beginning from the date the contribution would have been made into the account; provided that the sum of the contribution amount and interest thereto shall be transmitted by the covered employer to the program to be paid into the covered employee's IRA; and
- (2) A penalty of:
 - (A) \$25 for each month the covered employee was not enrolled in the program; and
 - (B) \$50 for each month the covered employee continues to be unenrolled in the program after the date on which a penalty has been assessed with respect to the covered employee who had elected to participate in the program.

(b) Any covered employer who fails to timely transmit a covered employee's payroll deduction contribution to the program pursuant to section -5(e)(2) shall be subject to the same sanctions imposed on an employer for misappropriation of employee wage withholdings and the penalties pursuant to chapter 388.

(c) No penalty under subsections (a)(2) and (b) shall be imposed on a covered employer if the covered employer can establish by a preponderance of the evidence that the covered employer:

- (1) Exercised reasonable diligence to meet the requirements of section -5(e);
- (2) Did not know or reasonably should not have known that the failure existed; and
- (3) Cures the failure within ninety days of the day the covered employer was given actual notice of the failure or should have known that the failure existed, whichever is earlier.

(d) Any covered employer who otherwise violates or fails to comply with any provision of this chapter or rules adopted pursuant to this chapter shall be liable for a penalty of no less than \$500 for each violation or failure; provided that the penalties shall not exceed \$5,000 per calendar year.

(e) All or part of the penalties imposed under subsections (a)(2) and (b) may be waived to the extent that the payment of the penalties would be excessive or otherwise inequitable relative to the violation or failure involved; provided that the covered employer can establish, by a preponderance of the evidence, the existence of equitable justification for the violation or failure.

(f) The penalties under this section shall be deposited into the special fund.

§ -15 **Rulemaking.** (a) The department, in consultation with the department of budget and finance, may adopt rules pursuant to chapter 91 to govern the actions of the board.

(b) The board, in consultation with the department and department of budget and finance, may adopt rules pursuant to chapter 91 to carry out the purposes of this chapter. The rules adopted by the board may include but not be limited to rules and procedures governing:

- (1) Enrollment and contributions to an IRA under the program, including withholding by covered employers of employee payroll, rights of covered employees, and obligations of covered employers;
- (2) Withdrawals, rollovers, and direct transfers from an IRA under the program in the interest of facilitating portability and maximization of benefits;
- (3) Phasing in the enrollment of eligible covered employees by the size or type of covered employer, beginning with the initial applicability date specified in this chapter;
- (4) Outreach to covered employees, covered employers, other stakeholders, and the public regarding the program;
- (5) Actions of the program manager;
- (6) Distribution of funds from the program;
- (7) Portability of benefits, including the ability to make tax-free rollovers or transfers from IRAs under the program to other IRAs or to tax-qualified plans that accept rollovers; and
- (8) Prescribed forms to be used by covered employers and covered employees.

§ -16 Audits and annual reports. (a) The board shall cause an accurate account of all activities, operations, receipts, and expenditures to be maintained in relation to the program and the board. Each year, after the first full fiscal year following program implementation, a full audit of the books and accounts of the board pertaining to the activities, operations, receipts and expenditures, personnel, services, or facilities of the program and the board shall be conducted by a certified public accountant. The audit shall include but not be limited to the review of direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the program. For purposes of the audit, the auditors shall have access to the properties and records of the program and board and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the program.

(b) No later than twenty days before the convening of each regular session, the board shall prepare and submit to the governor and the legislature, and make available to the public, an annual report that shall include but not be limited to:

- (1) The audited financial report prepared in accordance with generally accepted accounting principles, detailing the activities, operations, receipts, and expenditures of the program and board during the preceding calendar year; and
- (2) The progress and accomplishments made by the board during the preceding year and projected activities of the program for the current calendar year;

provided that the annual report for the first full fiscal year following program implementation shall include the board's findings and recommendations, including any proposed legislation, relating to the feasibility of expanding the program's eligibility to Hawaii's independent workforce, including self-employed workers."

SECTION 3. The governor, president of the senate, and speaker of the house of representatives shall appoint members to the Hawaii retirement savings

board no later than sixty days after enactment of this Act, for terms of office beginning in October 2022.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,255,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the implementation and operation of the Hawaii retirement savings program, including funds for the hiring of an executive director without regard to chapters 76 and 89, Hawaii Revised Statutes, a program specialist, and an office assistant.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of labor and industrial relations to provide outreach and education on the Hawaii retirement savings program.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$25,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the Hawaii retirement savings special fund.

There is appropriated out of the Hawaii retirement savings special fund the sum of \$25,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the State to make matching contributions of up to \$500 to the accounts of the first 50,000 covered employees who participate in the Hawaii retirement savings program for twelve consecutive months after initial enrollment.

SECTION 7. The sums appropriated in sections 4 to 6 of this Act shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. This Act shall take effect upon its approval; provided that sections 4, 5, 6, and 7 shall take effect on July 1, 2022.

(Approved July 12, 2022.)

ACT 297

H.B. NO. 1414

A Bill for an Act Relating to Abandoned Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the number of abandoned and derelict vehicles on public streets throughout the State remains a major issue. Abandoned vehicles present a widespread environmental hazard and are a public eyesore that create unsafe and unhealthy conditions for Hawai'i's residents. Abandoned vehicles further adversely impact the availability of legal parking in many areas of the State.

The legislature further finds that this public nuisance stems from the ease of abandoning vehicles, leading to individuals having multiple abandoned vehicles registered under their name. The counties are inundated with complaints

about abandoned and derelict vehicles and are often burdened with fronting the cost of towing and disposing of these vehicles, with no means to recoup the costs. The legislature additionally finds that more needs to be done to deter and curtail individuals from abandoning their vehicles by expanding penalties for those who have multiple abandoned vehicles.

Accordingly, the purpose of this Act is to make a person who is the registered owner of a vehicle that was deemed abandoned or derelict subject to a tiered fine system.

SECTION 2. Chapter 290, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“§290- Abandoned vehicles; repeat offender; penalty. A person who is the registered owner of a vehicle that was deemed abandoned or derelict pursuant to this chapter shall be subject to a fine for each vehicle as follows:

- (1) For the third violation, a fine of \$750; and
- (2) For a fourth or subsequent violation, a fine of \$1,000.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 298

H.B. NO. 1688

A Bill for an Act Relating to Registration of Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-51, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) This part shall be administered by the director of finance in conjunction with the requirements of sections 249-1 to 249-13 and shall entail no additional expense or charge to the person registering the ownership of a motor vehicle other than as provided by this section or by other laws; provided that for each new certificate of ownership issued by the director of finance under section 286-52, the director of finance may charge a fee which shall be deposited in the general fund. The fees charged to issue a new certificate of ownership shall be established by the county’s legislative body.

Notwithstanding any other law to the contrary, an additional fee of not more than [~~\$1 for each certificate of registration for a U-drive motor vehicle and~~] \$2 for each certificate of registration for all [~~other~~] motor vehicles may be established by ordinance and collected annually by the director of finance of each county, to be used and administered by each county:

- (1) For the purpose of beautification and other related activities of highways under the ownership, control, and jurisdiction of each county; ~~and~~
- (2) To defray the additional cost in the disposition and other related activities of abandoned or derelict vehicles as prescribed in chapter 290. For the purposes of this paragraph, other related activities shall include but need not be limited to any and all storage fees that are negotiated between each county and a towing company contracted by the county to remove and dispose of abandoned or derelict vehicles~~[-]; and~~
- (3) To mitigate and address the impacts of tourism-related traffic congestion.

The \$2 fee established pursuant to this subsection for certificates of registration for all motor vehicles ~~[other than U-drive motor vehicles]~~ may be increased by ordinance up to a maximum of \$10~~[-]; provided that all amounts received from any fee increase over \$2 shall be expended only for the purposes of paragraph (2)].~~ The moneys so assessed and collected shall be placed in a revolving fund entitled, “the highway beautification [and disposal of abandoned or derelict vehicles], abandoned vehicle, and tourism-related traffic congestion revolving fund”.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2023.

(Approved July 12, 2022.)

ACT 299

S.B. NO. 2295

A Bill for an Act Relating to the Department of Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to title 15 to be appropriately designated and to read as follows:

“CHAPTER ENVIRONMENTAL PLANNING

§ -1 **Sea level rise; transportation projects.** The department of transportation shall plan for sea level rise based upon the latest science, estimates, and recommendations of the Hawaii climate change mitigation and adaptation commission in all future or amended transportation projects.

§ -2 **Carbon concrete standards.** All department of transportation highway, harbor, and airport projects shall conform to the applicable carbon concrete standards contained in division 600 of the highways division of the department of transportation’s special provisions for standard specifications dated July 10, 2020. The director of transportation may issue an exemption to carbon concrete standards upon a determination that such exemption is necessary or when specific projects require that different procedures are mandated under federal law.”

SECTION 2. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

A Bill for an Act Relating to Wages.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that state labor laws should vigorously protect workers from employers who fail to pay their employees. Wage theft accounts for \$15,000,000,000 stolen each year, which totals more than all stolen money from physical burglaries in the United States combined.

In the ten most populous states in the United States, 2.4 million workers lose \$8,000,000,000 annually in minimum wage violations. The average year-round worker lost \$3,300 per year, which amounts to one-quarter of their yearly salary. Minimum wage theft affects seventeen per cent of low-wage workers, and workers in all demographic categories face effects of stolen wages.

In 2019, the United States Department of Labor cited about eight thousand five hundred employers for taking approximately \$287,000,000 in minimum wage and overtime-pay violations. Major corporations across the United States have collectively taken \$22,000,000 from employees since 2005.

The United States Census Bureau's current population survey found that minorities are disproportionately affected by wage theft. Immigrants and Latino workers were twice as likely to earn less than the minimum wage from 2009 to 2019, compared to white American workers. Additionally, African American workers were nearly fifty per cent more likely to be victims of wage theft in comparison to other races.

Other states have recently increased penalties for employers who wilfully commit wage theft. In 2019, Minnesota passed the Wage Theft Prevention Act to create additional protections for workers, including adding criminal penalties for employers that commit this offense. Now, in Minnesota, an employer may be criminally charged based on the amount of money withheld from the employee. This escalating penalty scale is analogous to the various theft charges in which stealing a \$10 item could result in a misdemeanor charge and a \$1,000 item could result in a felony charge.

In 2019, Colorado passed the Human Right to Work with Dignity Act, which reclassified the intentional nonpayment of over \$2,000 in wages as a felony theft. The purpose of the Colorado law was to ensure accountability for unscrupulous employers who purposefully withhold wages, underpay workers, engage in tax fraud, and deny workers fair compensation and ultimately hurt the economy by undercutting the bids of lawful employers.

The legislature further finds that Hawai'i should provide workers with similar protections as Minnesota, Colorado, and other states that have increased penalties for employers who fail to pay their employees their lawfully earned wages.

Accordingly, the purpose of this Act is to increase the penalty for employers who fail to pay the wages of their employees in accordance with chapter 387, Hawaii Revised Statutes, the wage and hour law, and chapter 388, Hawaii Revised Statutes, governing payment of wages and other compensation, to a class C felony.

SECTION 2. Section 387-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Criminal.

- (1) Any person divulging information in violation of section 387-8;
- (2) Any employer who wilfully violates this chapter or of any rule, regulation, or order issued under the authority of this chapter; or

- (3) Any employer or the employer's agent or any officer or agent of a corporation who discharges or in any other manner discriminates against any employee because the employee has made a complaint to the employee's employer, to the director, or to any other person that the employee has not been paid wages in accordance with this chapter, or has instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings~~[-; or~~
- (4) ~~Any employer or the employer's agent or any officer or agent of a corporation who pays or agrees to pay any employee compensation less than that which the employee is entitled to under this chapter], shall be guilty of a misdemeanor and, upon conviction thereof, shall be [punished by] subject to a fine of [nø] not less than \$500 nor more than \$5,000, or by imprisonment for a period not to exceed one year, or by both fine and imprisonment[-]; and~~
- (4) Any employer or the employer's agent or any officer or agent of a corporation who pays or agrees to pay any employee compensation less than that which the employee is entitled to under this chapter, shall be guilty of a class C felony and, notwithstanding section 706-640, be subject to a fine of not less than \$500 per offense; provided that each violation shall be deemed a separate offense."

SECTION 3. Section 388-10, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Criminal.

- (1) Any employer who does not pay the wages of any of the employer's employees in accordance with this chapter, or any officer of any corporation who knowingly permits the corporation to violate this chapter by failing to pay wages of any of its employees in accordance with this chapter[-; or any] shall be guilty of a class C felony and, notwithstanding section 706-640, be subject to a fine of not less than \$500 per offense. Each violation shall be deemed a separate offense.
- (2) Any employer or the employer's agent or any officer or agent of a corporation who discharges or in any other manner discriminates against any employee because the employee has made a complaint to the employee's employer, or to the director, or to any other person that the employee has not been paid wages in accordance with this chapter, or has instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, or any employer who wilfully fails to comply with any other requirements of this chapter shall be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than one year, or punished by both fine and imprisonment for each such offense."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

ACT 301

S.B. NO. 3179

A Bill for an Act Relating to the Department of Land and Natural Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the overpopulation of axis deer poses a significant threat to the ecological security and the health of local communities on several islands, especially in Maui county. Axis deer overpopulation and drought conditions on Maui, Molokai, and Lanai have led to large numbers of widespread axis deer, which in turn has created a nuisance and threat to the local community.

The purpose of this Act is to require the department of land and natural resources' division of forestry and wildlife to adopt rules and issue funds to licensed hunters at a per unit rate.

SECTION 2. (a) The department of land and natural resources' division of forestry and wildlife shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, for feral axis deer herd management. The rules shall:

- (1) Establish the lands on which licensed hunters may operate for the hunting of feral axis deer in cooperation with private land owners;
- (2) Provide that only female feral axis deer may be hunted;
- (3) Require the entire carcass of a feral axis deer to be submitted to the division by licensed hunters;
- (4) Establish the per unit rate to be claimed by a hunter for submission of a feral axis deer;
- (5) Establish bag limits for hunters to claim per unit rates;
- (6) Establish time periods in which licensed hunters of feral axis deer may operate; and
- (7) Establish any other parameters the division may deem necessary to carry out this section.

(b) The department of land and natural resources' division of forestry and wildlife shall issue funds to licensed hunters at a per unit rate as determined by the division pursuant to subsection (a).

SECTION 3. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

ACT 302

S.B. NO. 3004

A Bill for an Act Relating to Composting.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that food waste has far-reaching environmental, financial, and social impacts on society. According to the United States Department of Agriculture, an estimated thirty per cent to forty per cent of the food supply in the United States becomes food waste. This estimate corresponded to approximately one hundred thirty-three billion pounds and \$161,000,000,000 worth of food in 2010.

The legislature further finds that one way to reduce food waste is to compost it. Recycling food waste into compost reaps several environmental benefits. According to the United States Environmental Protection Agency, the benefits

of composting include reducing and, in some cases, eliminating the need for chemical fertilizers; reducing methane emissions that are generated through organic waste in landfills; promoting higher yields of agricultural crops; aiding reforestation, wetland restoration, and habitat revitalization efforts; enhancing water retention in soils; and sequestering carbon.

The legislature also finds that a three-year compost reimbursement pilot program was established within the department of agriculture pursuant to Act 89, Session Laws of Hawaii 2018, to provide cost reimbursements to farming operations in the State. The legislature further finds that the pilot program, which was repealed on December 31, 2021, provided assistance to farmers and helped ease some of the operational costs relating to the purchase of composting material.

The purpose of this Act is to permanently establish and appropriate funds for a compost reimbursement program and compost reimbursement program manager position within the department of agriculture.

SECTION 2. Chapter 141, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§141- Compost reimbursement program. (a) There is established within the department a compost reimbursement program to provide cost reimbursements to farming operations and landscaping operations in the State for the purchase of compost.

(b) The compost reimbursement program shall assist farming operations and landscaping operations in meeting the costs of purchasing compost from a certified processor, dealer, retailer, or wholesaler licensed to do business in the State.

(c) Applications for cost reimbursements shall be submitted on a form furnished by the department and shall be filed with accompanying documentation of the costs of purchasing compost pursuant to subsection (d); provided that:

- (1) The applicant shall indemnify and hold harmless the State and its officers, agents, and employees from all claims arising out of or resulting from the compost purchased; and
- (2) The department may request an applicant to provide necessary information for the purposes of verifying the size or sale weight, as applicable, and amount of compost purchased.

(d) Documentation of compost costs requested by the department shall be filed for compost purchased within the fiscal year immediately preceding the filing.

(e) Funds shall be disbursed upon approval on an annual basis by the department to the farming operation or landscaping operation for up to fifty per cent of the costs incurred for the purchase of the compost.

(f) The department shall aggregate the total reimbursement applications pursuant to this section and shall divide and distribute the available funds on a first-come, first-served basis; provided that no single farming operation or landscaping operation shall receive a reimbursement totaling more than \$50,000 per year.

(g) The compost reimbursement program shall be overseen by a compost reimbursement program manager, which shall be a full-time, permanent position exempt from chapters 76 and 89. The compost reimbursement program manager shall possess a requisite level of knowledge and expertise in the area of program management necessary to carry out the duties of the position.

The compost reimbursement program manager shall:

- (1) Facilitate the division and distribution of available funds for reimbursement; and
- (2) Manage the day-to-day coordination of the compost reimbursement program.

(h) Any action taken by the department pursuant to this section shall be exempt from the rulemaking requirements of section 91-3.

(i) The department shall submit an annual progress report on the compost reimbursement program to the legislature no later than twenty days prior to the convening of each regular session.

(j) As used in this section:

“Compost” means the product of a composting process, including the receipt of materials, primary processing, decomposition activities, and final processing for sale and marketing, in which organic materials are biologically decomposed under controlled conditions to produce a stable, humus-like mulch or soil amendment.

“Department” means the department of agriculture.

“Farming operation” has the same meaning as in section 165-2.

“Landscaping operation” means a landscaping contractor licensed under chapter 444.

“Organic materials” includes pre- and post-consumer food waste, waste from animal food processing operations, green waste, crop residues, and waste from vegetable food processing operations and similar materials.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$945,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of agriculture to establish a compost reimbursement program pursuant to section 2 of this Act.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$55,000 or so much thereof as may be necessary for fiscal year 2022-2023 for one full-time equivalent (1.0 FTE) permanent compost reimbursement program manager position exempt from chapters 76 and 89, Hawaii Revised Statutes.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 303

H.B. NO. 2307

A Bill for an Act Relating to Food Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the popularity of Hawaii-made sea salt products is on the rise. Sea salt products colored with Hawaiian charcoal, volcanic clay, and other natural ingredients help to promote the State’s brand.

The legislature further finds that addressing the federal Food and Drug Administration's industry guidance regarding the use of color additives in sea salt products should be a state priority. This guidance indicates that sea salt manufacturers that intend to use color additives not currently approved for food use should first obtain approval through the federal Food and Drug Administration's color additive petition process.

The purpose of this Act is to ensure the continued viability of the State's sea salt manufacturing industry by appropriating funds to provide education and support to local businesses regarding the United States Food and Drug Administration's industry guidance on colored sea salt.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2022-2023 to provide education and support to businesses in the State regarding the United States Food and Drug Administration's industry guidance on colored sea salt.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

ACT 304

S.B. NO. 3197

A Bill for an Act Relating to Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it is necessary to support beginning farmers in the State. The legislature believes that a farmer apprentice mentoring program could increase farming in the State, ensure the continued use of well developed farming methods, and provide for the cultivation of new farming methods.

The legislature acknowledges that new and aspiring farmers face a myriad of challenges, including acquiring adequate production and business knowledge and skills and accessing the tools necessary to evaluate their resources and develop feasible farming and business plans. However, the State lacks qualified farming method teachers and funding for beginning farmer training. Further, although the United States Department of Agriculture provides funding for beginning farmers, this funding is limited and unreliable.

The legislature believes that the future of the State's farming industry, food supply, and agriculture is reliant upon increasing and diversifying the number of new farmers in the State; introducing regenerative farming methods into the State; enhancing the long-term viability of farm businesses; utilizing and building upon existing beginning farmer training methods; providing opportunities for potential farmers who are socially or financially disadvantaged; and increasing support for beginning farmers who already own or manage a farm, and have farmed for five years or less.

Accordingly, the purpose of this Act is to establish the farmer apprentice mentoring program, to be administered by the department of agriculture.

SECTION 2. Chapter 141, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§141- Farmer apprentice mentoring program; established. (a) There is established the farmer apprentice mentoring program, to be administered by the department of agriculture to support former mentors in training apprentices.

(b) Subject to the availability of funding, the department of agriculture may enter into contracts with qualified farmer mentorship providers on a first-come, first-served basis, and in accordance with section 103D-304, to effectuate the purposes of this section.

(c) A qualified farmer mentorship provider that provides services pursuant to this section shall make available for inspection and examination by the department of agriculture during regular business hours all relevant training and mentoring materials, sites, and facilities.

(d) The department of agriculture shall submit a report to the legislature no later than twenty days prior to the convening of each regular session. The report shall include, at a minimum:

- (1) The number of farmer apprentices enrolled in the farmer apprentice mentoring program during the preceding year;
- (2) A listing of each qualified farmer mentorship provider;
- (3) An assessment of the ability of farmer mentorship providers participating in the program to complete any program objectives and work tasks identified by the department of agriculture; and
- (4) An evaluation of the results achieved by the program, to be written, to the extent possible, in measurable and quantifiable terms.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2022-2023 to establish and implement the farmer apprentice mentoring program pursuant to section 2 of this Act to provide mentoring to farmer apprentices on a whole farm system approach to agriculture.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known as the “Yes In My Backyard Act”.

SECTION 2. The legislature finds that the report *Measuring Housing Demand in Hawaii, 2015-2025*, published by the department of business, economic development, and tourism in March 2015, concluded that, based in part on the State's population growth, the projected statewide demand for residential housing was between 64,700 and 66,000 units. Although the department finds that population growth in the State has slowed since the 2015 report, in the *Hawaii Housing Demand: 2020-2030* report, published in December 2019, the department still projects that an additional 36,155 units will be needed between 2020 and 2030, not including units under construction or already in the permitting process.

The legislature further finds that "yes in my backyard" legislation, which is aimed at increasing housing availability by reducing administrative barriers and encouraging the adoption of more flexible zoning and regulatory policies, has been enacted in Oregon and California. Similar legislation aimed at increasing transparency and tracking discriminatory land use policies was co-introduced on the federal level by United States Senator Brian Schatz in May 2021.

The legislature believes that Hawaii could benefit from similar discussions on opportunities to reduce zoning, regulatory, and statutory barriers to affordable housing development.

Accordingly, the purpose of this Act is to establish a statewide working group on affordable housing that shall meet annually to:

- (1) Foster increased inter-agency coordination on housing and zoning issues;
- (2) Raise public awareness of the ongoing efforts by the State and counties to reduce barriers to affordable housing development; and
- (3) Propose legislation.

SECTION 3. (a) There is established a statewide working group on affordable housing that shall meet annually to discuss opportunities to reduce zoning, regulatory, and statutory barriers to affordable housing development.

(b) The working group shall comprise:

- (1) The executive director of the Hawaii housing finance and development corporation, or the executive director's designee, who shall serve as a co-chair of the working group;
- (2) The executive director of the Hawaii public housing authority, or the executive director's designee, who shall serve as a co-chair of the working group;
- (3) The chairpersons of the respective standing committees on housing of the senate and house of representatives, or their designees;
- (4) The executive director of the land use commission, or the executive director's designee;
- (5) The executive director of the office of planning and sustainable development, or the executive director's designee;
- (6) The executive director of the Hawaii community development authority, or the executive director's designee;
- (7) Representatives from each county agency having authority over zoning; and
- (8) Relevant stakeholders, as recommended by the working group.

(c) The working group shall discuss:

- (1) Opportunities to reduce zoning, regulatory, and statutory barriers to affordable housing development;
- (2) Statutory or regulatory measures adopted in the previous year by the State or counties that have successfully increased opportunities to develop housing for residents at all income levels;

- (3) Opportunities for public outreach to inform residents of the ongoing efforts by the State and counties to reduce barriers to affordable housing development;
- (4) The feasibility of:
 - (A) Allowing multi-family housing development in retail and commercial zones;
 - (B) Converting office units and commercial spaces into apartments and other multi-family residential spaces;
 - (C) Promoting a range of housing types in areas zoned for single-family homes;
 - (D) Reducing the minimum lot size for housing uses;
 - (E) Streamlining the housing permitting process and timelines;
 - (F) Establishing density bonuses;
 - (G) Utilizing vacant or underutilized county land for affordable housing development; and
 - (H) Utilizing financing programs to more efficiently develop affordable housing; and
- (5) Any other topics requested by the legislature.
- (d) The working group shall submit an annual report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2023.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2022-2023 to support the statewide working group established by this Act, including one full-time equivalent (1.0 FTE) position.

The sum appropriated shall be expended by the Hawaii housing finance and development corporation for the purposes of this Act.

SECTION 4.¹ This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. So in original.

ACT 306

S.B. NO. 3158

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to reduce the cost of living and cost of transportation by providing rebates for the purchase and use of electric bicycles and electric mopeds.

SECTION 2. Chapter 196, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§196- Electric bicycle and electric moped rebate program; third-party administrator; special fund. (a) The department of transportation shall administer a rebate program that incentivizes the purchase of new electric bicycles and

new electric mopeds and may contract with a third-party administrator pursuant to subsection (i) to operate and manage the rebate program.

(b) Each eligible purchase of a new electric bicycle or new electric moped shall receive a rebate of either twenty per cent of the retail cost or \$500, whichever amount is lower; provided that no individual shall receive more than \$500 in total rebates each fiscal year.

(c) The department of transportation shall not issue more than \$700,000 in total rebates under this section each fiscal year; provided that the electric bicycle and electric moped subaccount within the highway development special fund pursuant to section 264-122(d) contains sufficient funds to pay the rebates. The department of transportation shall not be liable to pay any refund if sufficient funds are unavailable. The department of transportation shall allow valid claims filed by eligible applicants for whom sufficient funds may not be immediately available to receive a rebate as funds may be available in a subsequent year.

(d) The department of transportation shall:

- (1) Prepare any forms that may be necessary for an applicant to claim a rebate pursuant to this section; and
- (2) Require each applicant to furnish reasonable information to ascertain the validity of the claim, including but not limited to the signature of the buyer and individual responsible for the sale on behalf of a retail store at the time of sale, a copy of valid government issued photo identification of the buyer at the time of the sale, receipt of purchase, name and address of the retail store, verification of eligibility, and any other documentation necessary to demonstrate the legitimate purchase of a new electric bicycle or new electric moped.

(e) This section shall apply to new:

- (1) Electric bicycles capable of speeds of no more than twenty-eight miles per hour; and
- (2) Electric mopeds,

purchased at a retail store after July 1, 2022.

(f) Applicants shall submit an application to the department of transportation within twelve months of the date of purchase to claim a rebate from the electric bicycle and electric moped rebate program. Failure to apply within twelve months of the date of purchase shall constitute a waiver of the right to claim the rebate.

(g) Nothing in this section shall alter taxes due on the original purchase. Any rebate received pursuant to this section shall not be considered income for the purposes of state or county taxes.

(h) In administering the electric bicycle and electric moped rebate program, the department of transportation shall provide rebates to persons eighteen years or older who:

- (1) Are eligible for:
 - (A) The Supplemental Nutrition Assistance Program;
 - (B) The free and reduced price lunch program;
 - (C) Section 8 of the United States Housing Act of 1937, as amended; or
 - (D) Similar low-income assistance programs identified by the department of transportation;
- (2) Do not own a registered motor vehicle with four or more wheels, as demonstrated by an affidavit signed by the applicant at the time of sale of the new electric bicycle or electric moped, which may be audited by the department of transportation; or
- (3) Are enrolled in school, community college, or university.

(i) The department of transportation may contract with a third-party administrator to operate and manage the electric bicycle and electric moped rebate program. The third-party administrator shall not be deemed to be a “governmental body” as defined in section 103D-104; provided that all moneys transferred to the third-party administrator shall have been appropriated by the legislature or shall be from moneys provided by the federal government or private funding sources. The third-party administrator shall not expend more than ten per cent of the amounts appropriated for the rebate program, or any other reasonable percentage determined by the department of transportation, for administration of the electric bicycle and electric moped rebate program.”

SECTION 3. Section 264-122, Hawaii Revised Statutes, is amended to read as follows:

“~~§264-122~~ **Highway development special fund.** (a) There is established in the state treasury the highway development special fund to be administered by the department, into which shall be deposited:

- (1) Transfers of county impact fees assessed under part VIII of chapter 46 and this part to pay for state highway improvements;
- (2) Interest from investment of deposits; and
- (3) Legislative and county appropriations.

(b) Moneys in the highway development special fund shall be used for the following purposes:

- (1) Capital costs of qualifying proposed state highway improvements;
- (2) Reevaluation of the need, geographic limitations, amount, and use of impact fees;
- (3) Transfers to reimburse other special funds for expenditures which otherwise might have been funded with moneys in the highway development special fund;
- (4) Transfers under sections 36-27 and 36-30;
- (5) Refunds under section 264-125; and
- (6) The department’s costs to implement this part, including but not limited to costs to administer the highway development special fund.

(c) The department may establish accounts in the highway development special fund as necessary to implement this part and rules adopted by the department.

(d) There is established within the highway development special fund an electric bicycle and electric moped subaccount. The department shall expend moneys in the subaccount for the purposes of funding the electric bicycle and electric moped rebate program established pursuant to section 196- .”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,100,000 or so much thereof as may be necessary for fiscal year 2022-2023 to be deposited into the electric bicycle and electric moped subaccount established pursuant to section 264-11(d), Hawaii Revised Statutes.

The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 307

S.B. NO. 2186

A Bill for an Act Relating to Public School Land Transfer.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that before statehood, each county within the territory of Hawaii governed its own respective public education system. Among other matters of statewide concern, Act 97, Session Laws of Hawaii 1965 (Act 97), vested in the State the responsibility for the planning, construction, improvement, and maintenance of public school grounds and facilities. Prior to Act 97, counties issued bonds to plan, construct, improve, and maintain public school facilities and grounds.

Act 154, Session Laws of Hawaii 2003, conveyed to the State the fee simple title to certain county of Hawaii lands used by the department of education. Act 206, Session Laws of Hawaii 2017 (Act 206), directed to the department of land and natural resources the conveyance of the fee simple title to certain city and county of Honolulu lands used by the department of education. Act 272, Session Laws of Hawaii 2019, amended Act 206 by designating the transferee as the department of education instead of the department of land and natural resources. Act 210, Session Laws of Hawaii 2018, directed the conveyance to the department of education of the fee simple title to additional city and county of Honolulu lands used by the department of education.

The legislature further finds that the department of education has invested significant public funds on maintenance and capital improvement projects for new school facilities. The expenditure of these funds was done without regard to the underlying fee ownership of the real property. Act 155, Session Laws of Hawaii 2013 (Act 155), authorized the department of education to develop its assets to create twenty-first century schools. Act 155 also authorized the department of education to explore different mechanisms to redevelop its assets, including revenue generation to support investments in twenty-first century schools.

The legislature also finds that split ownership of the land under existing public schools creates problems for redevelopment, especially when private investment is involved. This has resulted in delays in the permitting and delivery of vital capital improvements throughout the public school system.

The legislature additionally finds that, to provide the department of education with flexibility to redevelop, reposition, and improve its assets in a timely and efficient manner, sole ownership of all land under existing public schools should be consolidated and held by the department of education.

Accordingly, the purpose of this Act is to:

- (1) Convey to the department of education fee simple title to the lands used by the department of education for public schools and offices that are currently held by the counties of Kauai and Maui, the State, and the department of land and natural resources;
- (2) Require legislative approval prior to the sale or gift of lands to which the department of education holds title; and
- (3) Appropriate funds to effectuate the transfer of the properties identified herein and for the department of education to effectively manage the real property it holds.

SECTION 2. (a) Notwithstanding any other law to the contrary, the fee simple interest to the parcels of land set forth in this section, together with the existing improvements thereon, but not including submerged land, accreted land, or any land makai of the legal shoreline (collectively, the properties), shall be conveyed by their respective owner or owners to the department of education

as grantee, as is, where is. The department of education shall accept the properties in their existing condition. All claims and liabilities against the grantors, if any, that the department of education has, may have had, or may have in the future, regarding any injury, loss, cost, damage, or liability, including reasonable attorney's fees, concerning the physical, environmental, soil, economic, and legal conditions of the properties, shall be released, waived, and extinguished.

(b) The respective owner or owners of the properties shall prepare, execute, and record, in the land court or bureau of conveyances, as appropriate, a quitclaim deed to convey each of the properties together with all existing improvements. Work to initiate the conveyance of the properties shall commence no later than December 31, 2022. As an alternative to conveyance instruments for each parcel of state or county owned land, the transfer of such lands shall be completed by operation of law. Where applicable and in the discretion of the department of education, the department of education may elect to obtain all or a portion of each parcel identified by this Act. If the department of education elects to obtain a portion or portions of any parcel identified by this Act, then the parties to the conveyance shall take all actions necessary to legally effect the same.

(c) As these are conveyances in which the county and the State and its agencies are the only parties, the tax imposed by section 247-1, Hawaii Revised Statutes, shall not apply.

(d) Effective on the date of transfer, every reference to the titleholder of the properties shall be construed as a reference to the department of education.

(e) Parcels to be conveyed by the county of Kauai, identified by tax map key number, are as follows:

- (1) (4)2-1-001:009 (Eleele elementary school);
- (2) (4)5-2-009:006 (Kilauea elementary school);
- (3) (4)1-6-010:010 (Waimea high school);
- (4) (4)1-6-009:023 (portion) (Waimea high school); and
- (5) (4)3-6-002:010 (Wilcox elementary school).

(f) Parcels to be conveyed by the county of Maui, identified by tax map key number, are as follows:

- (1) (4)4-8-005:001 (Anahola school);
- (2) (2)3-8-007:004 (Baldwin high school);
- (3) (2)3-8-007:080 (Baldwin high school);
- (4) (2)3-8-007:047 (Baldwin high school);
- (5) (2)2-7-008:097 (Haiku elementary school);
- (6) (2)2-7-004:029 (Haiku elementary school);
- (7) (2)2-7-004:004 (Haiku elementary school);
- (8) (2)1-3-006:007 (Hana high school);
- (9) (2)3-4-009:003 (Iao intermediate school);
- (10) (2)3-8-007:041 (Kahului elementary school);
- (11) (2)4-6-002:013 (Kamehameha III elementary school);
- (12) (2)5-3-002:052 (Kaunakakai elementary school);
- (13) (2)5-2-013:027 (Kualapuu elementary school - public charter school);
- (14) (2)2-2-014:002 (Kula elementary school);
- (15) (2)3-8-030:009 (Lihikai elementary school);
- (16) (2)2-3-009:035 (portion) (Pukalani elementary school);
- (17) (2)3-8-006:008 (Puunene school);
- (18) (1)3-2-006:028 (school food services);
- (19) (2)3-4-007:049 (Wailuku elementary school); and
- (20) (2)3-4-007:003 (Wailuku elementary school).

(g) Parcels to be conveyed by the department of land and natural resources or the State, as the case may be, identified by tax map key number, are as follows:

- (1) (1)4-7-060:030 (Ahuimanu elementary school);
- (2) (1)9-9-005:004 (Aiea elementary school);
- (3) (1)9-9-005:001 (portion) (Aiea intermediate school);
- (4) (1)2-7-036:007 (Ala Wai elementary school);
- (5) (1)1-1-010:041 (Aliamanu elementary school);
- (6) (1)3-3-003:019 (Aliiolani elementary school);
- (7) (1)3-4-004:049 (portion) (Anuenue school);
- (8) (1)3-4-004:049 (portion) (Anuenue school);
- (9) (1)3-4-004:002 (Anuenue school);
- (10) (1)9-4-059:072 (August Ahrens elementary school);
- (11) (1)9-4-059:074 (August Ahrens elementary school);
- (12) (1)9-1-013:003 (Barbers Point elementary school);
- (13) (1)7-4-017:002; (1)7-4-022:050; and (1)7-4-002:049 (central district office Wahiawa);
- (14) (2)2-2-002:081 (Kihei high school);
- (15) (1)2-1-009:001 (Keelikolani middle school);
- (16) (1)2-1-005:002 (Keelikolani middle school);
- (17) (3)2-5-008:013 (DeSilva elementary school);
- (18) (4)2-1-001:006 (Eleele elementary school);
- (19) (1)9-1-163:010 (Ewa elementary school);
- (20) (1)9-1-069:027 (Ewa Makai middle school);
- (21) (1)1-6-003:083 (Farrington high school);
- (22) (1)1-6-003:047 (Farrington high school);
- (23) (1)1-3-001:058 (Fern elementary school);
- (24) (3)2-6-020:038 (Haaheo elementary school);
- (25) (2)2-7-008:098 (Haiku elementary school);
- (26) (3)2-9-002:005 (Hakalau school);
- (27) (1)6-6-013:012 (Haleiwa elementary school);
- (28) (2)1-3-006:008 (Hana high and elementary school);
- (29) (4)5-5-006:038 (Hanalei elementary school);
- (30) (4)5-5-006:018 (Hanalei elementary school);
- (31) (1)5-4-008:026 (Hauula elementary school);
- (32) (1)5-4-009:004 (Hauula elementary school);
- (33) (1)3-1-023:054 (Hawaii school for the deaf and the blind);
- (34) (3)2-3-015:001 (Hilo high school);
- (35) (3)2-3-015:026 (Hilo high school);
- (36) (3)2-3-021:058 (Hilo intermediate school);
- (37) (3)2-3-016:037 (Hilo union elementary school);
- (38) (1)9-1-102:028 (Holomua elementary school);
- (39) (3)7-6-004:002 (Holualoa elementary school);
- (40) (3)8-3-013:021 (Honaunau elementary school);
- (41) (3)4-5-005:001 (Honokaa elementary school);
- (42) (3)4-5-005:002 (portion) (Honokaa elementary school);
- (43) (3)4-5-010:076 (portion) (Honokaa elementary school);
- (44) (3)4-5-010:076 (portion) (Honokaa high and intermediate school);
- (45) (3)4-5-012:021 (Honokaa high and intermediate school);
- (46) (3)4-5-012:025 (Honokaa high and intermediate school);
- (47) (3)4-5-003:020 (Honokaa high and intermediate school);
- (48) (3)4-5-005:002 (Honokaa high and intermediate school);
- (49) (1)9-1-017:160 (Honouliuli middle school);
- (50) (1)9-4-053:117 (Honowai elementary school);

- (51) (1)9-1-160:024 (Hookele elementary school);
(52) (1)9-1-158:062 (Hookele elementary school);
(53) (3)8-6-010:009 (portion) (Hookena elementary school);
(54) (2)3-4-009:004 (Iao intermediate school);
(55) (1)7-7-001:003 (Inouye elementary school);
(56) (1)3-4-007:009 (Jarrett middle school);
(57) (1)2-6-029:002 (Jefferson elementary school);
(58) (1)2-6-028:005 (Jefferson elementary school);
(59) (1)5-1-002:018 (Kaaawa elementary school);
(60) (1)2-4-012:001 (Kaahumanu elementary school);
(61) (1)4-2-090:074 (Kaelepulu elementary school);
(62) (3)7-5-020:077 (Kahakai elementary school);
(63) (3)7-5-020:079 (Kahakai elementary school);
(64) (1)5-6-006:024 (Kahuku elementary school);
(65) (1)5-6-006:003 (Kahuku high and intermediate school);
(66) (1)4-3-056:003 (Kailua elementary school);
(67) (1)4-2-003:022 (Kailua high school);
(68) (1)9-1-001:022 (Kaimiloa elementary school);
(69) (1)2-7-024:001 (Kaimuki high school);
(70) (1)2-7-024:003 (Kaimuki high school);
(71) (1)1-5-005:016 (Kaiulani elementary school);
(72) (4)2-3-002:005 (Kalaheo elementary school);
(73) (1)4-4-034:029 (Kalaheo high school);
(74) (1)4-4-034:028 (Kalaheo high school);
(75) (1)1-5-025:001 (Kalakaua middle school);
(76) (1)1-5-024:029 (Kalakaua middle school);
(77) (2)2-4-032:109 (Kalama intermediate school);
(78) (2)2-4-032:110 (Kalama intermediate school);
(79) (3)2-7-022:003 (Kalaniana'ole elementary and intermediate);
(80) (3)2-7-022:002 (Kalaniana'ole elementary and intermediate);
(81) (3)2-7-025:004 (Kalaniana'ole elementary and intermediate);
(82) (1)9-4-107:098 (Kaleiopuu elementary school);
(83) (1)1-5-028:075 (Kalihi-Kai elementary school);
(84) (1)1-3-036:015 (Kalihi-Uka elementary school);
(85) (1)1-3-008:004 (Kalihi-Waena elementary school);
(86) (1)8-5-002:037 (Kamaile Academy - public charter school);
(87) (4)3-3-003:042 (Kamakahahele middle school);
(88) (2)3-9-019:009 (Kamalii elementary school);
(89) (2)4-6-002:014 (Kamehameha III elementary school);
(90) (1)9-4-115:023 (Kanoelani elementary school);
(91) (4)4-6-014:031 (portion) (Kapaa elementary school);
(92) (4)4-6-014:031 (portion) (Kapaa high school);
(93) (4)4-3-003:020 (Kapaa middle school);
(94) (3)2-2-020:001 (Kapiolani elementary school);
(95) (1)9-1-016:040 (Kapolei elementary school);
(96) (1)9-1-016:074 (Kapolei high school);
(97) (1)9-1-016:082 (Kapolei middle school);
(98) (3)9-6-005:039 (Kau high and Pahala elementary school);
(99) (3)9-6-005:008 (Kau high and Pahala elementary school);
(100) (4)3-2-005:010 (Kauai high school);
(101) (4)3-3-003:009 (Kauai high school);
(102) (4)3-2-005:011 (Kauai high school);
(103) (4)3-3-003:015 (Kauai high school);
(104) (4)3-3-003:007 (Kauai high school);

(105)	(1)1-7-023:041	(Kauluwela elementary school);
(106)	(3)2-5-005:084	(Kaumana elementary school);
(107)	(4)3-7-003:006	(Kaumualii elementary school);
(108)	(1)2-2-009:013	(Kawananakoa middle school);
(109)	(3)1-6-003:102	(Keaau elementary school);
(110)	(3)1-6-003:110	(Keaau high school);
(111)	(3)1-6-003:111	(Keaau high school);
(112)	(3)1-6-003:112	(Keaau high school);
(113)	(3)1-6-003:059	(Keaau middle school);
(114)	(3)1-6-002:001	(Keaau middle school);
(115)	(3)7-4-019:044	(portion) (Kealakehe elementary school);
(116)	(3)7-4-021:004	(Kealakehe high school);
(117)	(3)7-4-019:044	(portion) (Kealakehe intermediate school);
(118)	(2)1-1-008:020	(Keanae elementary);
(119)	(4)1-3-002:001	(Kekaha elementary school);
(120)	(2)2-3-007:032	(Kekaulike high school);
(121)	(3)1-5-009:059	(Keonepoko elementary school);
(122)	(1)9-1-012:060	(Keoneula elementary school);
(123)	(2)2-2-002:043	(portion) (Kihei elementary school);
(124)	(4)5-2-009:048	(Kilauea elementary school);
(125)	(2)5-6-002:008	(Kilohana elementary school);
(126)	(1)9-5-021:001	(Kipapa elementary school);
(127)	(3)5-5-008:024	(portion) (Kohala elementary school);
(128)	(3)5-4-007:014	(portion) (Kohala elementary school);
(129)	(3)5-4-007:008	(Kohala high school);
(130)	(3)5-4-008:021	(Kohala high school);
(131)	(3)5-5-008:024	(Kohala high school);
(132)	(3)5-4-007:014	(portion) (Kohala high school);
(133)	(3)5-3-010:056	(Kohala middle school);
(134)	(4)2-8-010:011	(Koloa elementary school);
(135)	(3)8-1-004:058	(Konawaena elementary school);
(136)	(3)8-1-005:011	(Konawaena high school);
(137)	(3)8-1-005:013	(Konawaena high school);
(138)	(3)8-1-002:038	(portion) (Konawaena high school);
(139)	(3)8-1-002:038	(portion) (Konawaena middle school);
(140)	(1)2-7-017:029	(Kuhio elementary school);
(141)	(1)2-7-027:022	(Kuhio elementary school);
(142)	(2)4-6-018:013	(portion) (Lahaina intermediate school);
(143)	(2)4-5-034:035	(Lahaina intermediate school);
(144)	(2)4-6-018:005	(Lahainaluna high school);
(145)	(2)4-6-018:007	(Lahainaluna high school);
(146)	(2)4-6-018:012	(Lahainaluna high school);
(147)	(1)5-5-015:033	(Laie elementary school);
(148)	(2)4-9-014:003	(Lanai high and elementary school);
(149)	(2)4-9-014:004	(Lanai high and elementary school);
(150)	(1)1-7-042:001	(Lanakila elementary school);
(151)	(3)3-5-005:001	(Laupahoehoe community - public charter school);
(152)	(3)3-5-004:059	(Laupahoehoe community - public charter school);
(153)	(3)3-5-004:026	(Laupahoehoe community - public charter school);
(154)	(1)8-6-001:054	(Leihoku elementary school);
(155)	(1)1-6-008:021	(Likelike elementary school);
(156)	(1)1-6-008:023	(Likelike elementary school);
(157)	(1)9-1-017:108	(department of education);
(158)	(1)2-4-033:013	(Lincoln elementary school);

- (159) (2)2-2-002:043 (portion) (Lokelani intermediate school);
 (160) (1)2-3-030:052 (Lunalilo elementary school);
 (161) (1)1-8-005:008 (Maemae elementary school);
 (162) (1)1-8-005:012 (Maemae elementary school);
 (163) (1)9-2-009:082 (Makakilo elementary school);
 (164) (1)9-9-075:028 (Makalapa elementary school);
 (165) (2)2-4-005:010 (Makawao elementary school);
 (166) (1)9-7-068:005 (Manana elementary school);
 (167) (2)3-8-007:098 (Maui high school);
 (168) (2)3-8-007:002 (Maui Waena intermediate school);
 (169) (1)9-2-019:022 (Mauka Lani elementary school);
 (170) (1)4-2-043:001 (Maunawili elementary school);
 (171) (1)2-3-009:001 (McKinley high school);
 (172) (reserved);
 (173) (reserved);
 (174) (1)9-5-001:054 (Mililani high school);
 (175) (1)9-5-001:055 (Mililani high school);
 (176) (1)9-5-002:046 (Mililani Ike elementary school);
 (177) (1)9-5-049:006 (Mililani Mauka elementary school);
 (178) (1)9-5-002:040 (Mililani middle school);
 (179) (reserved);
 (180) (1)9-4-005:047 (Mililani Uka elementary school);
 (181) (1)9-5-001:039 (Mililani Waena elementary school);
 (182) (1)1-1-063:011 (Moanalua high school);
 (183) (2)5-2-015:001 (portion) (Molokai high school);
 (184) (2)5-2-007:001 (Molokai high school);
 (185) (2)5-2-015:001 (portion) (Molokai middle school);
 (186) (1)9-7-025:004 (portion) (Momilani elementary school);
 (187) (3)1-8-001:007 (Mountain View elementary school);
 (188) (3)9-5-009:006 (Naalehu elementary school);
 (189) (2)4-6-018:013 (portion) (Nahienaena elementary school);
 (190) (1)8-9-002:065 (Nanaikapono elementary school);
 (191) (1)8-9-007:009 (portion) (Nanakuli elementary school);
 (192) (1)8-9-007:009 (portion) (Nanakuli high and intermediate school);
 (193) (4)4-2-006:002 (portion) (Olomana school);
 (194) (3)4-3-003:032 (Paauilo elementary and intermediate school);
 (195) (3)4-3-003:024 (Paauilo elementary and intermediate school);
 (196) (3)1-5-114:025 (Pahoa elementary school);
 (197) (3)1-5-114:002 (Pahoa elementary school);
 (198) (3)1-5-114:026 (Pahoa high and intermediate school);
 (199) (3)1-5-003:038 (Pahoa high and intermediate school);
 (200) (2)2-5-005:004 (Paia elementary school);
 (201) (1)3-4-002:002 (Palolo elementary school);
 (202) (1)4-5-017:001 (Parker elementary school);
 (203) (1)9-7-025:004 (portion) (Pearl City high school);
 (204) (reserved);
 (205) (1)9-9-001:012 (Pearl Harbor Kai elementary school);
 (206) (1)9-8-013:028 (Pearl Ridge elementary school);
 (207) (2)3-8-007:156 (Pomaikai elementary school);
 (208) (1)4-1-031:041 (Pope elementary school);
 (209) (1)4-1-031:040 (Pope elementary school);
 (210) (2)3-5-001:103 (Puu Kukui elementary school);
 (211) (2)3-8-006:008 (Puunene school);
 (212) (1)9-9-071:053 (Radford high school);

- (213) (1)1-1-012:028 (Red Hill elementary school);
 (214) (1)2-4-032:001 (Roosevelt high school);
 (215) (1)2-1-020:001 (Royal elementary school);
 (216) (1)1-1-063:013 (Salt Lake elementary school);
 (217) (1)1-1-008:008 (Shafter elementary school);
 (218) (1)2-4-033:013 (Stevenson middle school);
 (219) (1)5-9-005:018 (Sunset Beach elementary school);
 (220) (3)1-9-004:019 (Volcano school of arts and sciences);
 (221) (1)7-6-001:003 (Wahiawa middle school);
 (222) (1)7-6-001:004 (Wahiawa middle school);
 (223) (1)4-8-009:010 (Waiahole elementary school);
 (224) (3)2-4-001:015 (portion) (Waiakea elementary school);
 (225) (3)2-4-001:015 (portion) (Waiakea high school);
 (226) (3)2-4-001:015 (portion) (Waiakea intermediate school);
 (227) (3)2-2-042:017 (Waiakeawaena elementary school);
 (228) (3)2-2-042:007 (Waiakeawaena elementary school);
 (229) (1)6-7-002:009 (Waiialua high and intermediate school);
 (230) (1)6-7-002:030 (Waiialua high and intermediate school);
 (231) (1)6-7-002:029 (Waiialua high and intermediate school);
 (232) (1)8-5-009:018 (Waianae elementary school);
 (233) (1)8-5-002:018 (Waianae high school);
 (234) (1)8-5-028:042 (Waianae intermediate school);
 (235) (1)9-8-050:071 (Waiiau elementary school);
 (236) (2)3-2-007:021 (Waihee elementary school);
 (237) (1)9-4-007:069 (Waikele elementary school);
 (238) (1)9-4-007:068 (Waikele elementary school);
 (239) (3)6-8-002:038 (Waikoloa school);
 (240) (2)3-4-007:001 (Wailuku elementary school);
 (241) (2)3-4-007:020 (Wailuku elementary school);
 (242) (reserved);
 (243) (1)4-1-009:012 (portion) (Waimanalo elementary and intermediate school);
 (244) (4)1-2-006:033 (Waimea Canyon school);
 (245) (3)6-7-002:015 (portion) (Waimea elementary school);
 (246) (4)1-6-010:004 (Waimea high school);
 (247) (3)6-7-002:015 (portion) (Waimea middle school - public charter school);
 (248) (1)9-4-010:040 (Waipahu elementary school);
 (249) (1)9-4-008-025 (Waipahu high school);
 (250) (1)9-4-001:030 (Waipahu intermediate school);
 (251) (1)9-9-005:001 (portion) (Webbing elementary school);
 (252) (1)7-7-001:002 (Wheeler elementary school);
 (253) (1)7-7-001:002 (Wheeler middle school);
 (254) (4)3-6-002:021 (Wilcox elementary school); and
 (255) (4)3-6-002:022 (Wilcox elementary school).

SECTION 3. Legislative approval shall be obtained prior to the sale or gift of, or alienation of the fee simple title to, any land held by the department of education, including the properties upon transfer pursuant to this Act. Any sale or gift of, or alienation of the fee simple title to, any land held by the department of education, including the properties upon transfer pursuant to this Act, shall be void unless approved by the legislature.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purposes of this Act.

The sum appropriated shall be expended by the department of education for the purposes of this Act

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

ACT 308

H.B. NO. 1787

A Bill for an Act Relating to Persons With Disabilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§78- Employment first; persons with disabilities. (a) Employment first shall be a policy of the State and the counties. Employment services are the first choice of services that are offered for persons with disabilities receiving assistance from publicly funded systems. State and county agencies shall ensure that employment first is effectively implemented in hiring practices and all programs and services administered or funded by the State and counties, including programs and services that help persons with disabilities obtain employment. All state and county agencies shall coordinate efforts and collaborate to ensure that programs, policies, procedures, and funding support competitive employment in an integrated setting for persons with disabilities. All state and county agencies, when feasible, may share data and information to track progress toward full implementation of this section.

(b) Nothing in this section shall be construed to require any employer to give preference to hiring a person with a disability.

(c) Nothing in this section shall be construed as eliminating any other appropriate supported employment service.

(d) As used in this section:

“Competitive employment” means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which a person with a disability is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by a person without a disability.

“Employment first” means the competitive employment and full inclusion of persons with a disability in an integrated setting as a first and preferred option for employment services.

“Integrated setting” means an employment setting in which persons with disabilities interact with persons without disabilities, other than persons without disabilities who are providing services to those persons with disabilities, to the same extent that persons without disabilities interact with other persons in comparable positions.

“Person with a disability” means a person who has a physical or mental impairment that substantially limits one or more major life activities.”

SECTION 2. Section 346D-4, Hawaii Revised Statutes, is amended to read as follows:

“§346D-4 Provision of services. (a) Services that maximize the individual’s independence shall be provided in the individual’s home, the home of a responsible relative or other adult, or a residential alternative setting.

(b) The program shall provide the services in the most economic manner feasible ~~[which]~~ that is compatible with preserving quality of care through:

- (1) Informal care providers, such as family members, friends, or neighbors who regularly provide specific services without remuneration and not as a part of any organized volunteer activity;
- (2) Individual providers hired and directed by the waiver program individual to provide specific approved services;
- (3) Contracts with agency providers, such as home care agencies and public or private health and social service organizations;
- (4) Contracts with individual providers, such as counselors, nurses, therapists, and residential alternative program operators who provide services for the waiver program; and
- (5) Program personnel, such as social workers and nurses who are hired by the waiver program to provide specific services.

(c) The department of human services shall:

- (1) Practice employment first principles, as described in section 78- , with respect to waiver program personnel; and
- (2) Ensure that contracted agency providers that provide services for the waiver program follow employment first principles, as described in section 78- .”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2022; provided that section 2 shall take effect on June 30, 2023.

(Approved July 12, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 309

H.B. NO. 2260

A Bill for an Act Relating to Cannabis.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that amendments to the State’s medical use of cannabis law and medical cannabis dispensary program law are necessary to facilitate the administration of the laws, ensure qualifying patients’ access to cannabis, resolve issues that have arisen under existing law, and clarify legislative intent.

The purpose of this Act is to:

- (1) Amend the circumstances under which medical cannabis may be transported by and between dispensaries;

- (2) Extend the date after which primary caregivers will no longer be authorized to cultivate cannabis for a qualifying patient;
- (3) Redefine the term “medical cannabis production center” to include any series of structures located within the same secured perimeter fence-line;
- (4) Increase the number of production centers that may be allowed under a dispensary license;
- (5) Increase the allowable number of plants for production centers;
- (6) Require the department of health to establish the fee structure for the submission of applications for additional production centers and for dispensary-to-dispensary sales; and
- (7) Appropriate funds for an assessment of the medical cannabis dispensary licensing framework.

SECTION 2. Section 329-122, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) For the purposes of this section, “transport” means the transportation of cannabis, usable cannabis, or any manufactured cannabis product between:

- (1) A qualifying patient and the qualifying patient’s primary caregiver;
- (2) A qualifying out-of-state patient under eighteen years of age and the caregiver of a qualifying out-of-state patient;
- (3) The production centers and the retail dispensing locations under a dispensary licensee’s license; [ø]
- (4) Dispensaries, to the extent authorized by section 329D-6(r); or
- [(4)] (5) A production center, retail dispensing location, qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient and a certified laboratory for the purpose of laboratory testing; provided that a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient may only transport up to one gram of cannabis per test to a certified laboratory for laboratory testing and may only transport the product if the qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient:
 - (A) Secures an appointment for testing at a certified laboratory;
 - (B) Obtains confirmation, which may be electronic, that includes the specific time and date of the appointment and a detailed description of the product and amount to be transported to the certified laboratory for the appointment; and
 - (C) Has the confirmation, which may be electronic, available during transport.

For purposes of interisland transportation, “transport” of cannabis, usable cannabis, or any manufactured cannabis product, by any means is allowable only between dispensaries to the extent authorized by section 329D-6(r) and between a production center or retail dispensing location and a certified laboratory for the sole purpose of laboratory testing pursuant to section 329D-8, as permitted under section 329D-6(m) and subject to section 329D-6(j), and with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State. Allowable transport pursuant to this section does not include interisland transportation by any means or for any purpose between a [qualified] qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient and any other entity or individual, including an individual who is a [qualified] qualifying patient,

primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient.”

SECTION 3. Section 329-130, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) After December 31, ~~[2023,]~~ 2024, a qualifying patient shall obtain medical cannabis or manufactured cannabis products only:

- (1) From a dispensary licensed pursuant to chapter 329D; provided that the cannabis shall be purchased and paid for at the time of purchase; or
- (2) By cultivating cannabis in an amount that does not exceed an adequate supply for the qualifying patient, pursuant to section 329-122; provided that each location used to cultivate cannabis shall be used by no more than five qualifying patients.

After December 31, ~~[2023,]~~ 2024, no primary caregiver shall be authorized to cultivate cannabis for any qualifying patient.”

SECTION 4. Section 329D-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “medical cannabis dispensary” to read:

““Medical cannabis dispensary” or “dispensary” means a person licensed by the State pursuant to this chapter to own, operate, or subcontract ~~[up to two]~~ no more than three production centers and up to two retail dispensing locations.”

2. By amending the definition of “medical cannabis production center” to read:

““Medical cannabis production center” or “production center” means a farm or ~~[facility]~~ series of structures located within the same secured perimeter fence-line wholly owned, operated, or subcontracted by a person licensed by the State pursuant to this chapter as a medical cannabis dispensary that produces cannabis and manufactured cannabis products ~~[solely]~~ to supply cannabis and manufactured cannabis products to one or more of the retail dispensing locations of ~~[the]~~ any licensed medical cannabis dispensary.”

SECTION 5. Section 329D-2, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (f) to read:

“(f) ~~[Up to two]~~ No more than three production centers shall be allowed under each dispensary license; provided that, except as otherwise specified in subsection (k), each production center shall be limited to no more than ~~[three]~~ five thousand cannabis plants. For purposes of this subsection, “plant” means a cannabis plant that is greater than twelve vertical inches in height from where the base of the stalk emerges from the growth medium to the tallest point of the plant, or greater than twelve horizontal inches in width from the end of one branch to the end of another branch; provided that multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.”

2. By amending subsections (k) and (l) to read:

“(k) Notwithstanding any provision of subsection (f) to the contrary, the department may ~~[determine whether]~~ allow any dispensary ~~[licensees shall be allowed]~~ licensee an additional two thousand five hundred cannabis plants at each of the licensee’s production centers~~[-In];~~ provided that the licensee shall be allowed no more than fifteen thousand cannabis plants in total across all of the licensee’s production centers; provided further that in no case shall a licensee be

allowed more than ~~[five]~~ seven thousand five hundred plants at a single production center.

(l) Notwithstanding any provision of subsection (g) to the contrary, the department may determine whether dispensary licensees shall be allowed ~~[one]~~ no more than two additional retail dispensing ~~[location]~~ locations per licensee. In considering whether to allow additional retail dispensing locations, the department shall consider the licensee’s capability to serve and supply medical cannabis to ~~[qualified]~~ qualifying patients in a rural or underserved geographical area of a county. For purposes of this subsection, a “rural or underserved geographical area” shall be determined by considering the number of registered medical cannabis patients ~~[that]~~ who reside within a certain zip code compared to the quantity of medical cannabis that the closest production center and retail dispensing location have the capability to provide.”

SECTION 6. Section 329D-4, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

“(c) ~~[A]~~ Pursuant to section 329D-7(2), a nonrefundable application fee ~~[of \$5,000]~~ for each license application shall be submitted to the department by certified or cashier’s check. Within seven days of approval, a dispensary license fee ~~[of \$75,000]~~ for each license approved shall be submitted to the department by certified or cashier’s check or the department shall issue a license to the next qualified applicant.”

2. By amending subsection (n) to read:

“(n) ~~[A]~~ Pursuant to section 239D-7(2), a dispensary license may be renewed annually by payment of an annual renewal fee ~~[of \$50,000]~~ and subject to verification by the department through an unannounced inspection that the individual licensee and entity licensee continue to meet all licensing requirements from the date the initial licenses were issued.”

SECTION 7. Section 329D-6, Hawaii Revised Statutes, is amended to read as follows:

“§329D-6 Dispensary operations. (a) No person shall operate a dispensary, ~~[nor]~~ or engage in the production, manufacture, or sale of cannabis or manufactured cannabis products, unless the person has obtained a license from the department pursuant to this chapter.

(b) No dispensary licensee, its officers, employees, or agents shall provide written certification for the use of medical cannabis or manufactured cannabis products for any person.

(c) No person under the age of twenty-one shall be employed by a dispensary licensee.

(d) Notwithstanding any other law to the contrary, including ~~[but not limited to]~~ sections 378-2 and 378-2.5, dispensaries:

- (1) Shall deny employment to any individual who has been:
 - (A) Convicted of murder in any degree;
 - (B) Convicted of a class A or class B felony; or
 - (C) Convicted of a class C felony involving trafficking, distributing, or promoting a schedule I or II controlled substance other than cannabis within the last ten years; and
- (2) May deny employment to any individual who has been convicted of a class C felony involving:
 - (A) Fraud, deceit, misrepresentation, embezzlement, or theft; or
 - (B) Endangering the welfare of a minor.

Employment under this chapter shall be exempt from section 378-2(a)(1), as it relates to arrest and court record discrimination, and section 378-2.5.

(e) Retail dispensing locations shall not be open for retail sales before 8:00 a.m. or after 8:00 p.m., Hawaii-Aleutian Standard Time, Monday through Sunday.

(f) All dispensary facilities, including ~~[but not limited to]~~ production centers and retail dispensing locations, shall be enclosed indoor facilities and shall maintain twenty-four hour security measures, including ~~[but not limited to]~~ an alarm system, video monitoring and recording on the premises, and exterior lighting. A dispensary licensee ~~[who]~~ that intends to utilize, as a production center, an enclosed indoor facility that includes a roof that is partially or completely transparent or translucent, as provided under section 329D-1, shall notify the department of that intention ~~[prior to]~~ before altering or constructing the facility. Production centers shall remain locked at all times. Retail dispensing locations shall remain locked at all times, other than business hours as authorized by subsection (e), and shall only be opened for authorized persons.

(g) In all dispensary facilities, only the licensee, if an individual, registered employees of the dispensary licensee, registered employees of a sub-contracted production center or retail dispensing location, employees of a certified laboratory for testing purposes, state employees authorized by the director of health, and law enforcement and other government officials acting in their official capacity shall be permitted to touch or handle any cannabis or manufactured cannabis products, except that a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient may receive manufactured cannabis products at a retail dispensing location following completion of a sale.

(h) A dispensary shall provide the department with the address, tax map key number, and a copy of the premises lease, if applicable, of the proposed location of a production center allowed under a license for a county ~~[not]~~ no later than thirty days ~~[prior to]~~ before any medical cannabis or manufactured cannabis products being produced or manufactured at that production center.

(i) A dispensary shall provide the department with the address, tax map key number, and a copy of the premises lease, if applicable, of the proposed location of each retail dispensing location allowed under a license ~~[not]~~ no less than sixty days ~~[prior to]~~ before opening for business.

(j) The department shall establish, maintain, and control a computer software tracking system that shall have real time, twenty-four-hour access to the data of all dispensaries.

(1) The computer software tracking system shall collect data relating to:

- (A) The total amount of cannabis in possession of all dispensaries from either seed or immature plant state, including all plants that are derived from cuttings or cloning, until the cannabis, cannabis plants, or manufactured cannabis product is sold or destroyed pursuant to section 329D-7;
- (B) The total amount of manufactured cannabis product inventory, including the equivalent physical weight of cannabis that is used to manufacture manufactured cannabis products, purchased by a qualifying patient, primary caregiver, qualifying out-of-state patient, and caregiver of a qualifying out-of-state patient from all retail dispensing locations in the State in any fifteen-day period;
- (C) The amount of waste produced by each plant at harvest; and

- (D) The transport of cannabis and manufactured cannabis products between production centers and retail dispensing locations~~[-]~~ and as authorized by subsection (r), including tracking identification issued by the tracking system, the identity of the person transporting the cannabis or manufactured cannabis products, and the make, model, and license number of the vehicle being used for the transport;
- (2) The procurement of the computer software tracking system established pursuant to this subsection shall be exempt from chapter 103D; provided that:
 - (A) The department shall publicly solicit at least three proposals for the computer software tracking system; and
 - (B) The selection of the computer software tracking system shall be approved by the director of the department and the chief information officer; and
- (3) Notwithstanding any other provision of this subsection to the contrary, once the department has authorized a licensed dispensary to commence sales of cannabis or manufactured cannabis products, if the department's computer software tracking system is inoperable or is not functioning properly, as an alternative to requiring dispensaries to temporarily cease operations, the department may implement an alternate tracking system that will enable a qualifying patient, primary caregiver, qualifying out-of-state patient, and caregiver of a qualifying out-of-state patient to purchase cannabis or manufactured cannabis products from a licensed dispensary on a temporary basis. The department shall seek input regarding the alternate tracking system from medical cannabis licensees. The alternate tracking system may operate as follows:
 - (A) The department may immediately notify all licensed dispensaries that the computer software tracking system is inoperable; and
 - (B) Once the computer software tracking system is operational and functioning to meet the requirements of this subsection, the department may notify all licensed dispensaries, and the alternate tracking system in this subsection shall be discontinued.
- (k) A dispensary licensed pursuant to this chapter shall purchase, operate, and maintain a computer software tracking system that shall:
 - (1) Interface with the department's computer software tracking system established pursuant to subsection (j);
 - (2) Allow each licensed dispensary's production center to submit to the department in real time, by automatic identification and data capture, all cannabis, cannabis plants, and manufactured cannabis product inventory in possession of that dispensary from either seed or immature plant state, including all plants that are derived from cuttings or cloning, until the cannabis or manufactured cannabis product is sold or destroyed pursuant to section 329D-7;
 - (3) Allow the licensed dispensary's retail dispensing location to submit to the department in real time for the total amount of cannabis and manufactured cannabis product purchased by a qualifying patient, primary caregiver, qualifying out-of-state patient, and caregiver of a qualifying out-of-state patient from the dispensary's retail dispensing locations in the State in any fifteen day period; provided that the software tracking system shall impose an automatic stopper in real time, which cannot be overridden, on any further purchases

of cannabis or manufactured cannabis products, if the maximum allowable amount of cannabis has already been purchased for the applicable fifteen day period; provided further that additional purchases shall not be permitted until the next applicable period; and

- (4) Allow the licensed dispensary to submit all data required by this subsection to the department and permit the department to access the data if the department's computer software tracking system is not functioning properly and sales are made pursuant to the alternate tracking system under subsection (j).

(l) No free samples of cannabis or manufactured cannabis products shall be provided at any time, and no consumption of cannabis or manufactured cannabis products shall be permitted on any dispensary premises.

(m) [A] Except as authorized by subsection (r), a dispensary shall not transport cannabis or manufactured cannabis products to another county or another island; provided that this subsection shall not apply to the transportation of cannabis or any manufactured cannabis product solely for the purposes of laboratory testing pursuant to section 329D-8, and subject to subsection (j)[:], if no certified laboratory is located in the county or on the island where the dispensary is located; provided further that a dispensary shall only transport samples of cannabis and manufactured cannabis products for laboratory testing for purposes of this subsection in an amount and manner prescribed by the department, in rules adopted pursuant to this chapter, and with the understanding that state law and its protections do not apply outside of the jurisdictional limits of the State.

(n) A dispensary shall be prohibited from off-premises delivery of cannabis or manufactured cannabis products to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient.

(o) A dispensary shall not:

- (1) Display cannabis or manufactured cannabis products in windows or in public view; or
- (2) Post any signage other than a single sign no greater than one thousand six hundred square inches bearing only the business or trade name in text without any pictures or illustrations; provided that if any applicable law or ordinance restricting outdoor signage is more restrictive, that law or ordinance shall govern.

(p) No cannabis or manufactured cannabis products shall be transported to, from, or within any federal fort or arsenal, national park or forest, any other federal enclave, or any other property possessed or occupied by the federal government.

(q) A dispensary licensed pursuant to this chapter shall be prohibited from providing written certification pursuant to section 329-122 for the use of medical cannabis for any person.

(r) The department may authorize a dispensary to purchase cannabis and manufactured cannabis products from another dispensary in a manner prescribed by the department by rules adopted pursuant to this chapter and chapter 91; provided that:

(1) The purchasing dispensary establishes to the department's satisfaction that:

- (A) The purchase is necessary to ensure that qualifying patients have continuous access to cannabis for medical use; or
- (B) The cannabis and manufactured cannabis products are for medical, scientific, or other legitimate purposes approved by the State;

- (2) The selling dispensary may transport no more than eight hundred ounces of cannabis or manufactured cannabis products to the purchasing dispensary within a thirty-day period;
- (3) The cannabis and manufactured cannabis products are transported between the dispensaries for medical, scientific, or other legitimate purposes approved by the State; and
- (4) Nothing in this subsection shall relieve any dispensary of its responsibilities and obligations under this chapter and chapter 329.”

SECTION 8. Section 329D-7, Hawaii Revised Statutes, is amended to read as follows:

“§329D-7 Medical cannabis dispensary rules. The department shall establish standards with respect to:

- (1) The number of medical cannabis dispensaries that shall be permitted to operate in the State;
- (2) A fee structure for ~~the~~:
 - (A) The submission of applications and renewals of licenses to dispensaries; provided that the department shall consider the market conditions in each county in determining the license renewal fee amounts;
 - (B) The submission of applications for each additional production center; and
 - (C) Dispensary-to-dispensary sales authorized by section 329D-6(r);
- (3) Criteria and procedures for the consideration and selection, based on merit, of applications for licensure of dispensaries; provided that the criteria shall include but not be limited to an applicant’s:
 - (A) Ability to operate a business;
 - (B) Financial stability and access to financial resources; provided that applicants for medical cannabis dispensary licenses shall provide documentation that demonstrates control of not less than \$1,000,000 in the form of escrow accounts, letters of credit, surety bonds, bank statements, lines of credit or the equivalent to begin operating the dispensary;
 - (C) Ability to comply with the security requirements developed pursuant to paragraph (6);
 - (D) Capacity to meet the needs of qualifying patients and qualifying out-of-state patients;
 - (E) Ability to comply with criminal background check requirements developed pursuant to paragraph (8); and
 - (F) Ability to comply with inventory controls developed pursuant to paragraph (13);
- (4) Specific requirements regarding annual audits and reports required from each production center and dispensary licensed pursuant to this chapter;
- (5) Procedures for announced and unannounced inspections by the department or its agents of production centers and dispensaries licensed pursuant to this chapter; provided that inspections for license renewals shall be unannounced;
- (6) Security requirements for the operation of production centers and retail dispensing locations; provided that, at a minimum, the following shall be required:
 - (A) For production centers:

- (i) Video monitoring and recording of the premises; provided that recordings shall be retained for fifty days;
 - (ii) Fencing that surrounds the premises and that is sufficient to reasonably deter intruders and prevent anyone outside the premises from viewing any cannabis in any form;
 - (iii) An alarm system; and
 - (iv) Other reasonable security measures to deter or prevent intruders, as deemed necessary by the department;
- (B) For retail dispensing locations:
- (i) Presentation of a valid government-issued photo identification and a valid identification as issued by the department pursuant to section 329-123 by a qualifying patient or caregiver, or section 329-123.5 by a qualifying out-of-state patient or caregiver of a qualifying out-of-state patient, upon entering the premises;
 - (ii) Video monitoring and recording of the premises; provided that recordings shall be retained for fifty days;
 - (iii) An alarm system;
 - (iv) Exterior lighting; and
 - (v) Other reasonable security measures as deemed necessary by the department;
- (7) Security requirements for the transportation of cannabis and manufactured cannabis products between production centers and retail dispensing locations and between a production center, retail dispensing location, qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient and a certified laboratory, pursuant to section 329-122(f);
- (8) Standards and criminal background checks to ensure the reputable and responsible character and fitness of all license applicants, licensees, employees, subcontractors and their employees, and prospective employees of medical cannabis dispensaries to operate a dispensary; provided that the standards, at a minimum, shall exclude from licensure or employment any person convicted of any felony;
- (9) The training and certification of operators and employees of production centers and dispensaries;
- (10) The types of manufactured cannabis products that dispensaries shall be authorized to manufacture and sell pursuant to sections 329D-9 and 329D-10;
- (11) Laboratory standards related to testing cannabis and manufactured cannabis products for content, contamination, and consistency;
- (12) The quantities of cannabis and manufactured cannabis products that a dispensary may sell or provide to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient; provided that no dispensary shall sell or provide to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient any combination of cannabis and manufactured products that:
- (A) During a period of fifteen consecutive days, exceeds the equivalent of four ounces of cannabis; or
 - (B) During a period of thirty consecutive days, exceeds the equivalent of eight ounces of cannabis;
- (13) Dispensary and production center inventory controls to prevent the unauthorized diversion of cannabis or manufactured cannabis products or the distribution of cannabis or manufactured cannabis

- products to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient in quantities that exceed limits established by this chapter; provided that the controls, at a minimum, shall include:
- (A) A computer software tracking system as specified in section 329D-6(j) and (k); and
 - (B) Product packaging standards sufficient to allow law enforcement personnel to reasonably determine the contents of an unopened package;
- (14) Limitation to the size or format of signs placed outside a retail dispensing location or production center; provided that the signage limitations, at a minimum, shall comply with section 329D-6(o)(2) and shall not include the image of a cartoon character or other design intended to appeal to children;
 - (15) The disposal or destruction of unwanted or unused cannabis and manufactured cannabis products;
 - (16) The enforcement of the following prohibitions against:
 - (A) The sale or provision of cannabis or manufactured cannabis products to unauthorized persons;
 - (B) The sale or provision of cannabis or manufactured cannabis products to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient in quantities that exceed limits established by this chapter;
 - (C) Any use or consumption of cannabis or manufactured cannabis products on the premises of a retail dispensing location or production center; and
 - (D) The distribution of cannabis or manufactured cannabis products, for free, on the premises of a retail dispensing location or production center;
 - (17) The establishment of a range of penalties for violations of this chapter or rule adopted thereto; and
 - (18) A process to recognize and register patients who are authorized to purchase, possess, and use medical cannabis in another state, a United States territory, or the District of Columbia as qualifying out-of-state patients; provided that this registration process may commence no sooner than January 1, 2018.”

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2022-2023 for an assessment of the medical cannabis dispensary licensing framework.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 10. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 12. This Act shall take effect on July 1, 2022.

(Approved July 12, 2022.)

ACT 310

S.B. NO. 206

A Bill for an Act Relating to Rental Discrimination.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the federal housing choice voucher program, also known as section 8 of the United States Housing Act of 1937, as amended, provides federally-funded, tenant-based vouchers to low-income households who are responsible for finding appropriate rental units in the private market. Once a household receives a section 8 voucher, the challenge is finding a landlord who is willing to accept the voucher. The legislature believes that renters who participate in housing assistance programs, such as section 8, should have an equal opportunity to find housing and should not be discriminated against because their source of income includes funds from housing assistance programs.

Studies have shown that when there are laws that prevent discrimination against renters with housing assistance vouchers, these renters are twelve per cent more likely to find housing. The American Bar Association adopted a resolution in 2017 that called for the enactment of laws that ban housing discrimination based on lawful sources of income. The legislature notes that source of income discrimination laws do not alter or restrict standard industry practices to vet prospective renters. Rather, these laws prohibit landlords from rejecting prospective renters who receive section 8 vouchers or other housing assistance simply because of the voucher or assistance.

The purpose of this Act is to prohibit discrimination, including in advertisements for rental property, in rental transactions based on participation in a section 8 housing choice voucher program or any permanent supportive housing program or requirements related to participation in these housing assistance programs.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER

RENTAL DISCRIMINATION BASED ON SOURCE OF INCOME

§ -1 **Definitions.** As used in this chapter, unless the context clearly requires otherwise:

“Housing assistance program” means a section 8 housing choice voucher program or any permanent supportive housing program.

“Rental transaction” means any part of the process for the rental or lease of a premises for residential purposes.

§ -2 **Discriminatory practices in a rental transaction based on source of income.** It shall be a discriminatory practice for a landlord to:

- (1) Indicate in any manner used to advertise the availability of a rental property that the landlord will not rent a property to a person participating in a housing assistance program;
- (2) Discourage in any manner a person from seeking to engage in a rental transaction based on the person’s participation in a housing assistance program;
- (3) Refuse to engage in a rental transaction with a person because of the person’s participation in a housing assistance program or requirements related to participation in a housing assistance program; or

- (4) Require rental conditions that are different from those required for a person not participating in a housing assistance program.

§ -3 Exemptions. Section -2 shall not apply to:

- (1) Landlords who are determining in a commercially reasonable manner the ability of a potential tenant to pay rent by:
 - (A) Verifying the source and amount of income of the potential tenant; or
 - (B) Evaluating the stability, security, and creditworthiness of the potential tenant or any source of income of the potential tenant;
- (2) Landlords with ownership of not more than four dwelling units in the State at the time of the alleged discriminatory rental transaction; provided that this paragraph shall not apply if an owner, whether individually or through a business entity, owns more than a ten per cent interest in more than four dwelling units in the State at the time of the alleged discriminatory rental transaction;
- (3) Landlords in a case where a source of income is not approved within twenty-one days of a person's submission of a good faith request for tenancy approval, which shall include the inspection of a unit;
- (4) The rental of any housing accommodation in a building that contains housing accommodations for not more than two families living independently of each other if the owner or lessor resides in one of the housing accommodations;
- (5) The rental of a room or up to four rooms in a housing accommodation by an owner or lessor if the owner or lessor resides in the housing accommodation; and
- (6) The rental of an affordable housing project subsidized by public funds or lands.

§ -4 Remedies. (a) A landlord that violates any provisions of this chapter may be subject to a civil penalty in an amount not to exceed \$2,000 if determined by the court to have violated this chapter for the first time within one year of the occurrence of the alleged violation.

(b) The court may impose a \$2,500 penalty against a landlord for any subsequent violation of this chapter by the landlord.

(c) The court may also order any injunctive or other equitable relief as it deems proper.

(d) No landlord shall be fined more than once for the same violation under this section.

(e) No party shall be awarded attorney's fees or costs in any action under this section.

(f) All fines collected under this section shall be deposited into general fund."

SECTION 3. The Hawaii public housing authority and the Hawaii civil rights commission shall produce and make available informational materials for the purpose of providing notice of specific rights and obligations pursuant to this Act and widely publicize the prohibition against discrimination based on source of income.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. This Act shall take effect upon its approval; provided that section 2 of this Act shall take effect on May 1, 2023.

(Approved July 12, 2022.)

ACT 311

S.B. NO. 3272

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that residents in the State must endure the excessive noise that helicopter tours and small aircraft generate. Federal legislation, such as the National Parks Air Tour Management Act of 2000, established rules that tour operators must follow when flying over national parks like Hawaii Volcanoes National Park, Pearl Harbor National Memorial, and Haleakala National Park. Therefore, it is in the interest of the State to monitor and ensure that federal regulations are being followed and that the State has the option not to renew a tour aircraft operation permit for any company that repeatedly deviates from flight plans over sensitive areas.

The legislature further finds that the Federal Aviation Administration, department of transportation, some Hawaii tour helicopter companies, and other interested stakeholders have formed an unofficial Hawaii air noise and safety task force with the stated intent of addressing increasing safety and community disruption concerns, but have been criticized for not fully engaging and responding to public concerns in determining regulatory or voluntary changes in operations. An increasing number of elected officials and community organizations have expressed increasing concern with safety risks and community disruption arising from tour helicopter and small aircraft operations.

The purpose of this Act is to:

- (1) Require tour aircraft operators to file appropriate reports and disclosures so that the State can monitor compliance with federal regulations; and
- (2) Formally establish the air noise and safety task force.

SECTION 2. Section 261-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Tour aircraft operations. Any other law to the contrary notwithstanding, no tour aircraft operation shall be permitted in any airport under the State’s control without having a permit. The director shall adopt rules to regulate tour aircraft operations by permit, which shall include but not be limited to:

- (1) Identification of the types of aircraft to be utilized;
- (2) The number of operations daily for each type of aircraft used and the days and hours of operation;
- (3) Verification that the applicant is in compliance with all state statutes, including but not limited to this section;
- (4) Verification that the applicant has the Federal Aviation Administration certificate 121 or 135;
- (5) A written assessment by the department of the impact to the surrounding area and to the subject state airport;
- (6) Revocation of a permit based on the failure to comply with the information provided by the applicant and the terms and conditions set forth by the department in the permit; and any false statement or misrepresentation made by the applicant;

- (7) Establishment of penalties for revocation and suspension of a permit for failure to comply with permit conditions;
- (8) Submission of monthly written reports to the department, which shall be made available to the public, of each tour operation that occurred during the duration of the preceding month, including:
 - (A) The date and time that the aircraft took off and landed;
 - (B) The number of individuals aboard the aircraft during the operation;
 - (C) The flight path from takeoff through landing; and
 - (D) Whether the aircraft deviated from its intended flight plan;
- ~~(8)~~ (9) Annual renewal of permits; and
- ~~(9)~~ (10) Any change of operations under the existing permit to be approved by the director.

No permit shall be authorized unless accompanied by a Hawaii sectional aeronautical chart marked to indicate routes and altitudes to be used in conducting aerial tours and noise abatement procedures to be employed in the vicinity of identified noise sensitive areas.

For the purposes of this subsection, “tour aircraft operations” means any business operation that offers aircraft for hire by passengers for the purpose of aerial observation of landmarks and other manmade or natural sites within an island of the State and for the purpose of transporting passengers for tourist-related activities.”

SECTION 3. (a) There is established an air noise and safety task force in the office of planning and sustainable development for administrative purposes.

(b) The task force shall:

- (1) Collect and review data on tour aircraft operations submitted to the department of transportation pursuant to section 261- and any other information related to aircraft noise and safety that may be available;
- (2) Collect and review public complaints regarding aircraft noise and safety;
- (3) Identify key noise and safety issues facing Hawaii relating to aircraft;
- (4) Make recommendations to address aircraft noise and safety issues to the Federal Aviation Administration, National Transportation Safety Board, and other appropriate federal agencies;
- (5) Make recommendations to address business practices and operators of aircraft falling within state and local jurisdiction; and
- (6) Make recommendations to address aircraft noise and safety issues to aircraft operators.

(c) The members of the task force shall include:

- (1) A member of the senate appointed by the president of the senate, who shall serve as a co-chair of the task force;
 - (2) A member of the house of representatives appointed by the speaker of the house of representatives, who shall serve as a co-chair of the task force;
 - (3) The director of transportation or their designee; and
 - (4) The director of planning or their designee.
- (d) The co-chairs of the task force shall invite the following persons to join the task force:

- (1) A representative from the Federal Aviation Administration;
- (2) A representative from the National Transportation Safety Board;
- (3) At least one representative from the helicopter industry;
- (4) At least one representative from the small aircraft industry; and

- (5) Representatives from communities impacted by aircraft noise or with safety concerns.
- (e) The members of the task force shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.
- (f) The task force shall submit a preliminary report of its findings and recommendations, including any proposed legislation, to the legislature no later than December 1, 2023, and submit subsequent reports on December 1, 2024, and December 1, 2025.
- (g) The task force shall cease to exist on June 30, 2026.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 12, 2022.)

ACT 312

S.B. NO. 2990

A Bill for an Act Relating to Sustainable Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the use of cover crops, green manure, and compost increases agricultural productivity and aligns with the State's integrated sustainability goals. Plants used for this purpose, including grasses, legumes, and forbs, add nutrients to the soil, act as windbreaks, assist with water retention, provide habitats for beneficial insects, and help prevent soil erosion.

The legislature further finds that it is in the interest of the State to incentivize the use of management practices that enhance the quality and sustainability of Hawaii's agricultural lands.

Accordingly, the purpose of this Act is to establish and appropriate moneys for a cover crop reimbursement pilot program to reimburse farming operations in the State for the costs of acquiring cover crop seeds, green manure, or compost.

SECTION 2. (a) The department of agriculture shall establish, implement, and administer a three-year cover crop reimbursement pilot program to reimburse farming operations in the State for the costs of acquiring cover crop seeds, green manure, or compost.

(b) Each application for cost reimbursement shall be submitted on a form furnished by the department of agriculture and shall be accompanied by documentation of the costs of items purchased, pursuant to subsection (c); provided that:

- (1) The applicant shall indemnify and hold harmless the State and its officers, agents, and employees from all claims arising out of or resulting from the cover crop seeds, green manure, or compost purchased; and
- (2) The department of agriculture may request the applicant to provide additional information for the purposes of verifying the volume of cover crop seeds, green manure, or compost purchased.
- (c) Applications for reimbursement under the cover crop reimbursement pilot program shall be filed for cover crop seeds, green manure, and com-

post purchased within the fiscal year immediately preceding the filing and shall be effective for costs incurred for purchases after June 30, 2022, but before July 1, 2025. Each application shall include a certification that the amount for which the applicant seeks reimbursement has not been nor will be reimbursed by any other governmental cover crop incentive program, including the United States Department of Agriculture, Natural Resources Conservation Service's environmental quality incentives program and the conservation stewardship program.

(d) If an application is approved, funds shall be disbursed upon approval by the department of agriculture on an annual basis to the farmer or rancher for up to seventy-five per cent of the costs incurred for cover crop seeds, green manure, or compost purchased after June 30, 2022, but before July 1, 2025.

(e) The department of agriculture shall convene a review panel comprising knowledgeable representatives from the department of agriculture, University of Hawaii at Manoa college of tropical agriculture and human resources, and industry organizations. The review panel shall screen and rate applicants on the quality and appropriate use of their cover crops and green manure and their composting practices. The department shall aggregate the total reimbursement applications pursuant to this section and distribute the available moneys based on a ranking scale as determined by the review panel; provided that a higher-ranked applicant shall receive a higher rate of reimbursement than a lower-ranked applicant.

(f) There is established within the department of agriculture a cover crop reimbursement pilot program manager position, which shall be a full-time temporary position exempt from the requirements of chapters 76 and 89, Hawaii Revised Statutes. The cover crop reimbursement pilot program manager shall receive a salary not to exceed \$50,000 per year. The cover crop reimbursement pilot program manager shall possess a requisite level of knowledge and expertise in the area of program management necessary to carry out the duties of the position. The cover crop reimbursement pilot program manager shall:

- (1) Facilitate the division and distribution of available funds for reimbursement; and
- (2) Manage the day-to-day coordination of the cover crop reimbursement pilot program.

(g) Any action taken by the department of agriculture pursuant to this section shall be exempt from the rulemaking requirements of chapter 91, Hawaii Revised Statutes.

(h) The department of agriculture shall submit an interim report of its findings and recommendations relating to activities conducted pursuant to this Act, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025 and a final report no later than twenty days prior to the convening of the regular session of 2026. The report shall include the department's recommendation on whether the pilot program should be extended, with or without modifications.

(i) As used in this section:

“Compost” means a product of a composting process.

“Compostable materials” includes pre- and post-consumer food waste, waste from animal food processing operations, green waste, crop residues, and waste from vegetable food processing operations and similar materials.

“Composting process” means a process in which organic compostable materials are biologically decomposed under controlled conditions to produce a stable humus-like mulch or soil amendment, and includes:

- (1) The receipt of materials;
- (2) Primary processing;
- (3) Decomposition activities; and

(4) Final processing for sale and marketing.

“Cover crop” and “green manure” mean the plants listed in the cover crop and green manure database maintained by the University of Hawaii at Manoa college of tropical agriculture and human resources, except bermuda grass and other invasive or fast-growing grasses.

“Farming operation” has the same meaning as in section 165-2, Hawaii Revised Statutes.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the department of agriculture to establish, implement, and administer a cover crop reimbursement pilot program.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2022.

(Became law on July 12, 2022, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

ACT 313

S.B. NO. 2218

A Bill for an Act Relating to a Food Hub Pilot Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the State’s food security may be strengthened by growing more food locally and increasing access to local food. This endeavor may be supported by establishing food hubs, which are centrally located facilities having a business management structure that facilitates aggregation, storage, processing, distribution, and marketing of locally produced food products. By actively coordinating these activities along the value chain, food hubs may provide wider access to institutional and retail markets for small- to mid-sized producers and increase consumer access to fresh healthy food, including those consumers in underserved areas and food deserts.

The legislature also finds that food hubs encounter financial obstacles when seeking to launch or expand their operations. Therefore, a funding source is needed to support the establishment and growth of food hubs on a scale that meets demand by state institutions such as schools, hospitals, and correctional facilities.

Accordingly, the purpose of this Act is to establish a five-year food hub pilot program under the department of agriculture and appropriate funds for the program.

SECTION 2. (a) There is established a five-year food hub pilot program, which shall be administered by the department of agriculture.

(b) The food hub pilot program shall:

- (1) Adopt the United States Department of Agriculture’s working definition of “food hub”, which means “a centrally located facility with a business management structure facilitating the aggregation, storage, processing, distribution, and/or marketing of locally/regionally produced food products”; and

- (2) Award grant funding to qualified applicants for the construction of critical infrastructure to establish and expand food hubs in each of the counties, including:
 - (A) Construction or improvement of facilities for aggregation, washing, minimal processing, packaging, cold storage, and other value-additions; and
 - (B) Provision of technical assistance to develop in-state capacity to supply state institutions and other markets.
- (c) The department of agriculture shall establish criteria for the award of initial start-up grant funding or subsequent expansion funding under the food hub pilot program, including the following provisions:
 - (1) Priority shall be given to organizations having demonstrated experience in aggregation, washing, minimal processing, packaging, cold storage, and other value-additions for delivering local produce to local markets;
 - (2) Qualifying applicants shall include corporations, limited liability companies, partnerships, sole proprietorships, non-profit organizations, and agricultural cooperatives that meet necessary insurance requirements and provide a certificate of vendor compliance with Hawaii compliance express;
 - (3) Applicants seeking to establish a new food hub where none currently exist shall first secure a physical location for the food hub and draft a detailed plan for the food hub's operation, including activities in which the applicant intends to engage, such as serving as a marketplace for buying and selling, or providing certified kitchen space in which multiple farmers may share use of facilities for value-added product development; and
 - (4) Applicants shall explain their intended actions to increase access to locally produced food.
- (d) The department of agriculture shall require that the receipt of grant funding pursuant to the food hub pilot program be conditioned upon the recipient's compliance with all applicable state and federal food safety laws, rules, and regulations, including the FDA Food Safety Modernization Act, P.L. 111-353, and that Act's provisions on supplier verification.
- (e) The department of agriculture shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, for the administration and operation of the food hub pilot program.
- (f) The food hub pilot program under this section shall terminate on June 30, 2027.

SECTION 3. (a) The department of agriculture shall submit interim reports on:

- (1) The department's progress in implementing this Act;
- (2) Preliminary results of the food hub pilot program; and
- (3) The department's findings and recommendations, including any proposed legislation,

to the legislature no later than twenty days prior to the convening of the regular sessions of 2023, 2024, 2025, and 2026.

(b) The department of agriculture shall submit a final report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027. The report shall include the results of the food hub pilot program and a recommendation as to whether the program should be made permanent, with or without modifications.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the establishment of a five-year food hub pilot program, including the awarding of grant moneys to qualifying food hubs.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2022.

(Became law on July 12, 2022, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

ACT 314

H.B. NO. 2020

A Bill for an Act Relating to Housing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to establish a lapse date for any unencumbered moneys appropriated pursuant to Act 227, Session Laws of Hawaii 2021.

SECTION 2. Act 227, Session Laws of Hawaii 2021, is amended by amending section 3 to read as follows:

“SECTION 3. There is appropriated out of the funds received by the State of Hawaii from the American Rescue Plan Act of 2021, Public Law 117-2, (Section 9901), the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the purpose of providing, in whole or in part, loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects.

The sum appropriated shall be expended by the Hawaii housing finance and development corporation for the purposes of this Act[-]; provided that all moneys from the appropriation unencumbered as of June 30, 2022, shall lapse as of that date.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 2022.

(Became law on July 12, 2022, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

ACT 315

H.B. NO. 1872

A Bill for an Act Relating to Sustainability.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 183D-2, Hawaii Revised Statutes, is amended to read as follows:

“§183D-2 **Powers and duties of department.** The department shall:

- (1) Manage and administer the wildlife and wildlife resources of the State;
- (2) Enforce all laws relating to the protecting, taking, hunting, killing, propagating, or increasing the wildlife within the State and the waters subject to its jurisdiction;
- (3) Recognize that:
 - (A) Game mammals and game birds provide a sustainable food source that merits high-quality habitats with sufficient food, water, and refuge to support viable populations sufficient for hunting;
 - (B) Proper management of game populations in appropriate areas minimizes the impacts of these populations and provides benefits to important watershed areas, including weed control and the reduction of grass fire fuel; and
 - (C) The State's unique relationship with the ocean requires careful consideration and management of land and ocean activities that prioritize the public trust responsibilities of the State, including the conservation of natural resources for future generations and the protection of native Hawaiian traditional and customary practices pursuant to article XI, section 1, and article XII, section 7, of the Hawaii State Constitution respectively;
- ~~(3)~~ (4) Establish and maintain wildlife propagating facility or facilities;
- ~~(4)~~ (5) Subject to the provisions of title 12, import wildlife for the purpose of propagating and disseminating the same in the State and the waters subject to its jurisdiction;
- ~~(5)~~ (6) Distribute, free of charge, as the department deems to be in the public interest, game for the purpose of increasing the food supply of the State; provided that when in the discretion of the department the public interest will not be materially interfered with by so doing, the department may propagate and furnish wildlife to private parties, upon ~~[such]~~ any reasonable terms, conditions, and prices ~~[as]~~ that the department may determine;
- ~~(6)~~ (7) Ascertain, compile, and disseminate, free of charge, information and advice as to the best methods of protecting, propagating, and distributing wildlife in the State and the waters subject to its jurisdiction;
- ~~(7)~~ (8) Gather and compile information and statistics concerning the area, location, character, and increase and decrease of wildlife in the State;
- ~~(8)~~ (9) Gather and compile information concerning wildlife recommended for release in different localities, including the care and propagation of wildlife for protective, productive, and aesthetic purposes and other useful information, which the department deems proper;
- ~~(9)~~ (10) Have the power to manage and regulate all lands which may be set apart as game management areas, public hunting areas, and wildlife sanctuaries;
- ~~(10)~~ (11) Pursuant to section 183D-65 of this chapter, destroy predators deemed harmful to wildlife;
- ~~(11)~~ (12) Formulate, and from time to time recommend to the governor and legislature, ~~[such]~~ any additional legislation necessary or desirable to implement the objectives of title 12; and
- ~~(12)~~ (13) Preserve, protect, and promote public hunting.”

SECTION 2. (a) No later than July 1, 2023, each department, office, or agency of the State shall update the department, office, or agency's rules and policies to integrate the local hunting and fishing industries into any food security or sustainability strategies that the department, office, or agency employs.

(b) The updated rules and policies shall be consistent with section 183D-2, Hawaii Revised Statutes, as amended by this Act.

SECTION 3. The head of each principal department of the State shall submit to the legislature a report on the progress of that department and any agency administratively attached to that department in implementing section 2 of this Act, no later than twenty days prior to the convening of the regular sessions of 2023 and 2024. The report shall include the department's findings and recommendations, including any proposed legislation.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Became law on July 12, 2022, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

ACT 316

H.B. NO. 2288

A Bill for an Act Relating to Land.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to authorize the negotiation of the transfer of a parcel of land designated as TMK (1) 3-2-030-002-0000-000 to the department of Hawaiian home lands.

SECTION 2. Notwithstanding any law to the contrary, the department of Hawaiian home lands may negotiate the transfer of the fee simple interest in the parcel of land designated as TMK (1) 3-2-030-002-0000-000 with the existing improvements thereon with the appropriate state agency that currently holds the fee simple interest to that parcel.

SECTION 3. This Act shall take effect upon its approval.

(Became law on July 12, 2022, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

ACT 317

H.B. NO. 1932

A Bill for an Act Relating to Child Welfare Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that having modern software that child welfare caseworkers can access on their mobile phones during case visits and field work will allow workers to more effectively manage their caseloads to meet the growing number of children in foster care, ensure that Hawaii can meet the national standard for monthly visits, improve case planning, and strengthen

child and family involvement to improve mental and behavioral health outcomes for youth and the health needs for children.

The purpose of this Act is to:

- (1) Require the child welfare services branch of the department of human services to develop a modern case management software solution that is compatible with existing child welfare technology;
- (2) Submit progress reports to the legislature; and
- (3) Appropriate funds for this purpose.

SECTION 2. (a) The child welfare services branch of the department of human services shall develop a modern case management software solution that is compatible with existing child welfare technology.

(b) The department shall contract with a qualified child welfare software provider to develop the case management software solution, which shall include the following features:

- (1) A method for case workers to:
 - (A) More effectively track the children in their caseload management;
 - (B) Create and manage case plans; and
 - (C) Manage ongoing visits in the home and in coordination with siblings and families of origin;
- (2) A family portal for resource caregiver families to easily document information related to the care of children in their homes, including information related to the documentation of medical and dental visits;
- (3) Online access for families to information related to the care of children placed in their care, including allergy, education, and health information; and
- (4) A portal for minors over the age of twelve in care to access resources online about available support services.

(c) The child welfare services branch shall submit reports to the legislature no later than twenty days prior to the convening of the regular sessions of 2023 and 2024, including a status update on the development of the child welfare services case management software solution, findings and recommendations, and any proposed legislation.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$80,000 or so much thereof as may be necessary for fiscal year 2022-2023 for the development of a case management software solution by the child welfare services branch of the department of human services pursuant to this Act.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 4. This Act shall take effect upon its approval; provided that section 3 shall take effect on July 1, 2022.

(Became law on July 12, 2022, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

COMMITTEE REPORTS ON BILLS ENACTED



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¹ See also Floor Amendment 8.

² See also Floor Amendment 5.

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³ See also Floor Amendment 7.

⁴ See also House Floor Amendment 5 or Senate Floor Amendment 11.

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⁵ See also House Floor Amendment 4 or Senate Floor Amendment 10.

⁶ See also House Floor Amendment 8 or Senate Floor Amendment 13.

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⁷ See also Floor Amendment 2.

⁸ See also House Floor Amendment 7 or Senate Floor Amendment 14.

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⁹ See also House Floor Amendment 3 or Senate Floor Amendment 9.

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