

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

REGULAR SESSION
2023

Convened on Wednesday, January 18, 2023, and
Adjourned sine die on Thursday, May 4, 2023

Published under Authority of
Section 23G-13, Hawaii Revised Statutes
by the
Revisor of Statutes
State of Hawaii
Honolulu, Hawaii

PREFACE

This volume contains all of the laws enacted by the Hawaii State Legislature during the Regular Session of 2023.

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 Statutory material that is being repealed is either bracketed or bracketed and stricken.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Hawaii Revised Statutes (HRS), the text is edited to omit the bracketed material for HRS sections that are being repealed in their entirety and to omit the underscoring for entirely new HRS sections.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 11, 2023

STATE OF HAWAII
ELECTED OFFICIALS AND LEGISLATIVE OFFICERS

UNITED STATES CONGRESS

Senate:
Brian E. Schatz
Mazie K. Hirono

House of Representatives:
Ed Case
Jill Tokuda

STATE EXECUTIVE OFFICERS

Governor of Hawaii..... Josh Green, M.D.
Lieutenant Governor Sylvia Luke

**OFFICERS AND MEMBERS OF THE
THIRTY-SECOND STATE LEGISLATURE
REGULAR SESSION 2023**

SENATE

President..... Ronald D. Kouchi
Vice President Michelle N. Kidani
Clerk..... Carol T. Taniguchi

First District—(Hawaii)
Lorraine R. Inouye (D)

Eleventh District—(Oahu)
Carol Fukunaga (D)

Second District—(Hawaii)
Joy A. San Buenaventura (D)

Twelfth District—(Oahu)
Sharon Y. Moriwaki (D)

Third District—(Hawaii)
Dru Mamo Kanuha (D)

Thirteenth District—(Oahu)
Karl Rhoads (D)

Fourth District—(Hawaii)
Herbert M. Richards, III (D)

Fourteenth District—(Oahu)
Donna Mercado Kim (D)

Fifth District—(Maui)
Gilbert S. C. Keith-Agaran (D)

Fifteenth District—(Oahu)
Glenn Wakai (D)

Sixth District—(Maui)
Angus L.K. McKelvey (D)

Sixteenth District—(Oahu)
Brandon J.C. Elefante (D)

Seventh District—(Maui/Molokai/Lanai)
Lynn DeCoite (D)

Seventeenth District—(Oahu)
Donovan M. Dela Cruz (D)

Eighth District—(Kauai/Niihau)
Ronald D. Kouchi (D)

Eighteenth District—(Oahu)
Michelle N. Kidani (D)

Ninth District—(Oahu)
Stanley Chang (D)

Nineteenth District—(Oahu)
Henry J.C. Aquino (D)

Tenth District—(Oahu)
Les Ihara, Jr. (D)

Twentieth District—(Oahu)
Kurt Fevella (R)

Twenty-First District—(Oahu)
Mike Gabbard (D)

Twenty-Fourth District—(Oahu)
Jarrett Keohokalole (D)

Twenty-Second District—(Oahu)
Maile S.L. Shimabukuro (D)

Twenty-Fifth District—(Oahu)
Chris Lee (D)

Twenty-Third District—(Oahu)
Brenton Awa (R)

D – Democrats	23
R – Republicans	2

HOUSE OF REPRESENTATIVES

Speaker Scott K. Saiki
 Vice Speaker Greggor Ilagan
 Clerk Brian L. Takeshita

First District—(Hawaii) Mark M. Nakashima (D)	Seventeenth District—(Kauai/Niihau) Dee Morikawa (D)
Second District—(Hawaii) Richard H.K. Onishi (D)	Eighteenth District—(Oahu) Gene Ward (R)
Third District—(Hawaii) Chris Todd (D)	Nineteenth District—(Oahu) Mark J. Hashem (D)
Fourth District—(Hawaii) Greggor Ilagan (D)	Twentieth District—(Oahu) Bertrand Kobayashi (D)
Fifth District—(Hawaii) Jeanne Kapela (D)	Twenty-First District—(Oahu) Jackson D. Sayama (D)
Sixth District—(Hawaii) Kirstin Kahaloa (D)	Twenty-Second District—(Oahu) Andrew Takuya Garrett (D)
Seventh District—(Hawaii) Nicole E. Lowen (D)	Twenty-Third District—(Oahu) Scott Y. Nishimoto (D)
Eighth District—(Hawaii) David A. Tarnas (D)	Twenty-Fourth District—(Oahu) Adrian K. Tam (D)
Ninth District—(Maui) Justin H. Woodson (D)	Twenty-Fifth District—(Oahu) Scott K. Saiki (D)
Tenth District—(Maui) Troy N. Hashimoto (D)	Twenty-Sixth District—(Oahu) Della Au Belatti (D)
Eleventh District—(Maui) Terez Amato (D)	Twenty-Seventh District—(Oahu) Jenna Takenouchi (D)
Twelfth District—(Maui) Kyle T. Yamashita (D)	Twenty-Eighth District—(Oahu) Daniel Holt (D)
Thirteenth District—(Maui/Molokai/ Lanai) Mahina Poepoe (D)	Twenty-Ninth District—(Oahu) John M. Mizuno (D)
Fourteenth District—(Maui) Elle Cochran (D)	Thirtieth District—(Oahu) Sonny Ganaden (D)
Fifteenth District—(Kauai) Nadine K. Nakamura (D)	Thirty-First District—(Oahu) Linda Ichiyama (D)
Sixteenth District—(Kauai) Luke A. Evslin (D)	Thirty-Second District—(Oahu) Micha P.K. Aiu (D)

Thirty-Third District—(Oahu) Sam Satoru Kong (D)	Forty-Third District—(Oahu) Kanani Souza (R)
Thirty-Fourth District—(Oahu) Gregg Takayama (D)	Forty-Fourth District—(Oahu) Darius K. Kila (D)
Thirty-Fifth District—(Oahu) Cory M. Chun (D)	Forty-Fifth District—(Oahu) Cedric Asuega Gates (D)
Thirty-Sixth District—(Oahu) Rachele F. Lamosao (D)	Forty-Sixth District—(Oahu) Amy A. Perruso (D)
Thirty-Seventh District—(Oahu) Trish La Chica (D)	Forty-Seventh District—(Oahu) Sean Quinlan (D)
Thirty-Eighth District—(Oahu) Lauren Matsumoto (R)	Forty-Eighth District—(Oahu) Lisa Kitagawa (D)
Thirty-Ninth District—(Oahu) Elijah Pierick (R)	Forty-Ninth District—(Oahu) Scot Z. Matayoshi (D)
Fortieth District—(Oahu) Rose Martinez (D)	Fiftieth District—(Oahu) Natalia Hussey-Burdick (D)
Forty-First District—(Oahu) David Alcos, III (R)	Fifty-First District—(Oahu) Lisa Marten (D)
Forty-Second District—(Oahu) Diamond Garcia (R)	

D – Democrats	45
R – Republicans	6

TABLE OF CONTENTS

	PAGE
List of Acts, 2023 Regular Session	ix
Text of Acts, 2023 Regular Session	1
Committee Reports on Bills Enacted	838
Tables Showing Effect of Acts	
A. Sections of Hawaii Revised Statutes (HRS) Affected.....	843
B. Acts of Session Laws of Hawaii (SLH) Affected	846
General Index	848

LIST OF ACTS

REGULAR SESSION OF 2023

ACT NO.	BILL NO.	SUBJECT	PAGE
1	S.B. 36	Initiation of felony prosecutions.....	1
2	S.B. 1	Abortion	2
3	H.B. 1514	Legislative appropriations	16
4	H.B. 90	Fundraisers	19
5	H.B. 93	Organizational reports.....	20
6	H.B. 99	Campaign cash contributions.....	22
7	H.B. 130	Validation of ballots.....	22
8	H.B. 137	Lobbyists; statement of expenditures	23
9	H.B. 140	Financial disclosure statements	24
10	H.B. 142	Gifts from lobbyists.....	25
11	S.B. 731	Hawaiian Independence Day.....	26
12	H.B. 899	Fetal Alcohol Spectrum Disorder Awareness Month	27
13	S.B. 9	Boards of registration	28
14	S.B. 179	Elections accessibility needs advisory committees	28
15	S.B. 313	State rehabilitation council.....	29
16	S.B. 346	Siren use by emergency vehicles.....	31
17	S.B. 487	Statutory revision	32
18	S.B. 1372	Kupuna care and caregiver support services.....	39
19	S.B. 1513	Executive meetings	40
20	H.B. 138	Lobbyist training course.....	41
21	S.B. 438	Professional and vocational licenses; abandoned applications	42
22	H.B. 823	Deaths within the correctional system	44
23	H.B. 1344	Domestic violence intervention and anger management courses	45
24	S.B. 422	Environmental advisory council.....	49
25	H.B. 1109	Commercial driver’s licenses; commercial learner’s permits.....	50
26	H.B. 1107	Commercial motor vehicles; limits on gross weight, axle loads, and wheel loads.....	53
27	H.B. 841	Domestic abuse protective orders; automatic referrals.....	55
28	H.B. 426	Firearm industry responsibility	56
29	S.B. 921	Condominium associations; right of action against developers....	58
30	H.B. 1000	Collective bargaining agreement; units 1 and 10; appropriations	59
31	H.B. 1001	Collective bargaining agreement; units 2, 3, 4, 6, 8, 9, 13, and 14; appropriations	61
32	H.B. 1004	Collective bargaining agreement; unit 5; appropriations.....	62
33	H.B. 1006	Collective bargaining agreement; unit 7; appropriations.....	64
34	H.B. 1010	Collective bargaining agreement; unit 11; appropriations.....	65
35	H.B. 1018	Encumbrance and expenditure delay; general fund appropriations.....	66
36	H.B. 1020	Unclaimed property program	69
37	H.B. 1022	Appropriations for state programs; funding adjustments.....	69
38	S.B. 1313	Hawaii employer-union health benefits trust fund; salaries.....	71
39	S.B. 1277	Claims against the State	72
40	S.B. 1314	Hawaii employer-union health benefits trust fund; reimbursements for medicare part B premiums	78
41	S.B. 1315	Hawaii employer-union health benefits trust fund; reimbursements for income-related monthly adjustment amounts.....	80
42	H.B. 339	Department of human services; exemptions from civil service..	81
43	H.B. 650	Medical-aid-in-dying.....	85
44	H.B. 977	Community council on purchase of health and human services	88
45	H.B. 978	Purchases of health and human services.....	89
46	S.B. 211	Public employees’ retirement benefits; retroactive reinstatement, rescission of suspension, and payments.....	90
47	S.B. 415	Contractors and subcontractors; unpaid wages.....	95
48	H.B. 1363	County surcharge on state tax; housing infrastructure	98
49	H.B. 33	State bonds.....	103

ACT NO.	BILL NO.	SUBJECT	PAGE
50	S.B. 1437	Pass-through entity taxation election.....	109
51	S.B. 435	Wages and hours of employees on public works.....	111
52	S.B. 1230	Firearms.....	113
53	H.B. 1329	Active shooter training program for public and charter school students.....	137
54	H.B. 1382	Donation of livestock or wild game meat.....	137
55	S.B. 372	Unnecessary or excessive force by law enforcement officers.....	140
56	H.B. 1100	Income and estate and generation-skipping transfer taxes.....	141
57	S.B. 1151	Hawaii community college promise program.....	145
58	S.B. 989	Trespass with an unmanned aircraft system.....	146
59	S.B. 1505	Harbor facilities; port entry or departure.....	147
60	H.B. 494	Donation of motor vehicles.....	148
61	S.B. 531	School facilities authority; executive director.....	150
62	S.B. 975	Tobacco products; electronic smoking devices.....	152
63	S.B. 588	Noise detection traffic cameras.....	156
64	H.B. 968	University of Hawaii Pamantasan Council.....	156
65	H.B. 16	Alcohol; sale for off-premises consumption.....	157
66	H.B. 28	Hawaii Pacific hydrogen hub; department of taxation software and computer systems.....	158
67	S.B. 821	Illegal fireworks task force.....	160
68	S.B. 1268	Agricultural lands.....	161
69	H.B. 97	Campaign spending commission; preliminary determination regarding probable cause.....	162
70	H.B. 382	Judiciary appropriations act of 2023.....	162
71	H.B. 133	Office of Hawaiian affairs appropriations act of 2023.....	168
72	H.B. 1183	Parking lot and concession operations at state parks.....	170
73	H.B. 1255	West Maui Hospital Foundation, Inc.; special purpose revenue bonds.....	172
74	H.B. 353	Certified nurse aide to practical nurse bridge program.....	174
75	S.B. 933	Temporary restraining order hearings; remote attendance by petitioners.....	175
76	H.B. 554	Campus safety.....	176
77	S.B. 406	Grandparents' visitation rights.....	180
78	S.B. 712	Corrections officers; level I trauma-informed certification program.....	181
79	H.B. 349	Emancipation of minors.....	182
80	H.B. 350	Child abuse reporting by clergy members.....	187
81	S.B. 1267	Domestic abuse protective orders and temporary restraining orders for nonresident applicants.....	189
82	S.B. 1527	Address confidentiality program.....	190
83	H.B. 579	Human trafficking prevention program.....	192
84	H.B. 580	Confidential advocates.....	195
85	H.B. 581	Child custody evaluators.....	196
86	S.B. 295	Malama ohana working group.....	198
87	S.B. 894	Office of wellness and resilience; trauma-informed care task force.....	201
88	H.B. 777	Background checks.....	206
89	H.B. 948	Child and adolescent crisis mobile outreach team pilot program.....	214
90	S.B. 1357	Hawaiian home lands; affordable housing credits.....	216
91	H.B. 675	Development of affordable housing.....	216
92	H.B. 677	Hawaii housing finance and development corporation; computation of interest; dwelling unit revolving fund equity pilot program.....	217
93	H.B. 992	Affordable homeownership revolving fund.....	220
94	H.B. 1366	Return-to-home pilot program.....	221
95	H.B. 1397	Supportive housing pilot program.....	223
96	S.B. 764	Bank investments; affordable housing.....	226
97	S.B. 865	Ninety-nine year leasehold program.....	230

ACT NO.	BILL NO.	SUBJECT	PAGE
98	S.B. 898	State rent supplement program for kupuna	236
99	H.B. 674	Hawaii public housing authority	238
100	S.B. 162	Dentistry	239
101	S.B. 473	Distribution of dialysate drugs and devices	241
102	S.B. 599	Respiratory care	242
103	S.B. 602	Pharmacists; CLIA-waived tests.....	244
104	S.B. 759	Health and wellness needs of underserved rural residents	247
105	H.B. 660	Hawaii Pacific Health; Straub Medical Center; special purpose revenue bonds	248
106	H.B. 884	Traveling team physicians	249
107	H.B. 907	Telehealth; reimbursement for services	251
108	H.B. 1082	Medical cannabis.....	257
109	H.B. 1369	Nursing facility sustainability program	266
110	S.B. 404	Hospital sustainability program	274
111	S.B. 671	Fentanyl test strips	280
112	S.B. 674	Interstate medical licensure compact	282
113	S.B. 19	Validity of cast ballots.....	295
114	S.B. 141	Presidential electors.....	297
115	S.B. 1076	Digital voter information guide.....	300
116	S.B. 1541	Voting more than once	302
117	H.B. 1294	Legal name of candidates.....	304
118	S.B. 203	Campaign spending; failure to respond to complaints.....	304
119	S.B. 1189	Preliminary campaign finance reports	305
120	H.B. 91	Campaign spending commission; contested case hearings.....	306
121	H.B. 92	Campaign finance; administrative fines	307
122	H.B. 463	Disclosure of campaign expenditures.....	308
123	H.B. 141	Financial disclosures by legislators.....	309
124	H.B. 983	Public servants; time limitations for prosecution	313
125	H.B. 712	Recordings of public meetings.....	315
126	H.B. 1502	News media privilege.....	316
127	S.B. 51	Noncandidate committees; fines for violations	318
128	S.B. 1493	Contributions and expenditures by lobbyists during legislative sessions.....	319
129	S.B. 182	Disclosures of financial interests	321
130	H.B. 986	Official misconduct.....	326
131	S.B. 228	Fraud	326
132	H.B. 525	Uniform commercial code	329
133	H.B. 451	Pilot visitation and family resource center at Waiawa correctional facility.....	393
134	S.B. 1064	Dam and appurtenance improvement or removal grant program	393
135	S.B. 869	Youth commission	396
136	S.B. 811	Demographic data	396
137	H.B. 710	Obstruction of justice.....	398
138	H.B. 24	Water common carriers	398
139	H.B. 478	State foundation on culture and the arts commission	399
140	H.B. 264	Assault of sports officials	400
141	S.B. 1232	State librarian.....	402
142	S.B. 193	State fire council.....	404
143	S.B. 830	Critical emergency response pilot programs	405
144	H.B. 541	Motor vehicle head lamps; safety checks	408
145	H.B. 704	Motor vehicle registration; flatbed trucks.....	409
146	S.B. 1141	Hawaii state public library system; workers' compensation	410
147	H.B. 68	Centralized statewide criminal pretrial justice data reporting and collection system	412
148	H.B. 1113	Drug and alcohol toxicology testing laboratory	416
149	S.B. 729	Real estate commission; leadership training	423
150	H.B. 1205	Exclusive representatives of public employees	424
151	S.B. 726	Department of human resources development; administrative assistant	425

ACT NO.	BILL NO.	SUBJECT	PAGE
152	S.B. 732	Indigenous Peoples' Day	427
153	H.B. 950	Assisted community treatment	428
154	H.B. 980	Forfeiture of bond or recognizance	431
155	S.B. 911	Prospective jurors with felony convictions	432
156	S.B. 944	Parentage laws; task force	433
157	S.B. 210	Criminal justice data sharing working group	434
158	S.B. 483	Uniform probate code	438
159	S.B. 410	Expungement orders; public records	478
160	S.B. 109	Gender-neutral terminology; parental and marital matters	478
161	S.B. 110	Gender-neutral terminology; interpretation of words	489
162	H.B. 1097	Uniform controlled substances act	490
163	H.B. 954	Tax credits	497
164	H.B. 300	General appropriations act of 2023	499
165	S.B. 7	School facilities authority	634
166	S.B. 105	Autism spectrum disorder; annual report	635
167	S.B. 1340	Behavior analysis	635
168	H.B. 1045	Transferring schools	638
169	S.B. 239	Child care accreditation program	639
170	S.B. 1022	Early learning board	642
171	H.B. 961	Early learning; preschool open doors program	645
172	S.B. 941	Teacher housing	647
173	S.B. 1344	School health assistants	649
174	H.B. 503	Computer science education	652
175	H.B. 960	Prekindergarten facilities; school facilities authority	653
176	H.B. 11	Time sharing plans	656
177	H.B. 217	Home renovations	658
178	H.B. 369	Public utilities and water carriers; disposal or donation of assets or property	660
179	H.B. 485	Marriage certificates; gender and sex identifiers	661
180	H.B. 781	James's Act	663
181	H.B. 848	Hawaii institute of marine biology	665
182	H.B. 953	Department of land and natural resources; online applications for recreational and commercial activities	667
183	H.B. 1027	Money transmitters modernization act	668
184	H.B. 1033	State building code council	674
185	H.B. 1036	Hawaii state fusion center	675
186	H.B. 1037	Statewide interoperable communications executive committee ..	676
187	H.B. 1058	Adoption; Hawaiian homestead leases and applications	680
188	H.B. 1184	Procurement of professional services	682
189	H.B. 1509	Planned community association oversight task force; condominium property regime task force	685
190	S.B. 151	Law enforcement; use of force	687
191	S.B. 214	Interference with the operation of public transit vehicles	690
192	S.B. 318	Fetal alcohol spectrum disorders	691
193	S.B. 390	Emergency medical services licensure	694
194	S.B. 478	Telecommunications and cable industry information reporting	694
195	S.B. 696	Workers' compensation; computation of average weekly wages	696
196	S.B. 739	Desecration	697
197	S.B. 798	Out-of-state time share units	698
198	S.B. 799	Timeshare plans; title reports	700
199	S.B. 855	Condominiums; budgets and replacement reserves	704
200	S.B. 930	Residential landlord-tenant code application screening fee	707
201	S.B. 966	Disposal of solid waste; forfeiture of vehicle	708
202	S.B. 968	Public employee parking facilities	709
203	S.B. 1057	Equal pay	710
204	S.B. 1163	Civil air patrol	711
205	S.B. 1327	Public utilities commission; electronic filing	712

ACT NO.	BILL NO.	SUBJECT	PAGE
206	S.B. 1370	Licenses to solemnize marriages.....	716
207	S.B. 1381	Pharmacy benefit managers.....	718
208	S.B. 1383	Unemployment insurance technology.....	719
209	S.B. 1468	Professional land surveyors; right of entry to private property.....	720
210	S.B. 1502	Peer-to-peer car-sharing.....	723
211	S.B. 746	Coffee labeling and advertising.....	724
212	S.B. 1588	GroupGAP food safety training and certification program.....	729
213	H.B. 307	Agricultural park leases.....	730
214	H.B. 695	Battery-charged security fences.....	731
215	H.B. 972	Animal industry special fund.....	733
216	S.B. 743	Pesticide subsidy program.....	734
217	S.B. 1552	Little fire ants.....	736
218	S.B. 833	Wahiawa irrigation system.....	737
219	H.B. 615	Private restrictions on agricultural uses and activities.....	740
220	H.B. 692	Pesticide violations.....	741
221	S.B. 1417	Climate change; Kakaako and Kalaeloa community development districts.....	743
222	S.B. 1534	Mileage-based road usage charge.....	746
223	S.B. 1173	Motor vehicle exhaust emissions.....	749
224	S.B. 691	Minimum efficiency standards.....	750
225	H.B. 192	Fluorescent lamps.....	755
226	S.B. 1024	Zero emissions transportation; clean transportation working groups.....	757
227	S.B. 67	Commercial activities on beaches.....	761
228	H.B. 364	Enforcement of trespass laws on public land.....	762
229	H.B. 365	Special management areas.....	762
230	H.B. 819	Limu kala.....	765
231	H.B. 1091	Real property disclosures within shoreline areas.....	766
232	H.B. 1134	Kaneohe Bay.....	767
233	H.B. 1079	Water pollution.....	770
234	H.B. 1101	User fees for stormwater management systems or infrastructure.....	775
235	S.B. 1254	Kaiwi coast state park.....	781
236	S.B. 1391	Public lands; administrative penalties.....	782
237	H.B. 1200	Unmanned aircraft systems program.....	784
238	S.B. 497	Oversized commercial vehicles.....	787
239	H.B. 118	Stopping, standing, or parking of vehicles on county highways.....	787
240	H.B. 1104	Enforcement of motor vehicle weight limits.....	788
241	H.B. 1108	Fines for motor vehicle weight violations.....	789
242	S.B. 1086	State highway safety and modernization council.....	791
243	S.B. 1166	Renewal of driver's licenses.....	793
244	H.B. 600	Safe routes to school.....	794
245	H.B. 794	Disability Awareness Month: Employment, Enrichment, and Inclusion.....	799
246	H.B. 834	American Sign Language.....	800
247	H.B. 933	Free telecommunications access for individuals with print disabilities.....	800
248	S.B. 813	Court interpreters.....	801
249	S.B. 1373	Executive office on aging administrative claiming special fund.....	802
250	S.B. 1592	Senior medicare patrol program.....	802
251	H.B. 1081	Penalties for uncertified or unlicensed care facilities.....	804
252	S.B. 900	Hawaii state health insurance assistance program.....	804
253	H.B. 870	Neighbor islands blind and visually impaired 806 service pilot program.....	806
254	H.B. 388	Accessible instructional materials and technology for students.....	810

ACT NO.	BILL NO.	SUBJECT	PAGE
255	S.B. 1378	Unlicensed care homes	813
256	H.B. 218	Prescription drug label information.....	814
257	H.B. 278	Alzheimer's disease and related dementias public health campaign	816
258	H.B. 306	Ornamental ginger	817
259	S.B. 45	Domestic abuse protective orders for minors.....	818
260	H.B. 161	Hawaii labor relations board	819
261	H.B. 717	Nepotism.....	820
262	H.B. 923	Private activity bonds	822
263	H.B. 1359	Hemp	823

**Session Laws of Hawaii
Passed By The
Thirty-Second State Legislature
Regular Session
2023**

ACT 1

S.B. NO. 36

A Bill for an Act Relating to the Initiation of Felony Prosecutions.

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

SECTION 1. The legislature finds that the *State v. Obrero* decision issued on September 8, 2022 (2022 WL 4102031), by the Hawai'i Supreme Court construed section 801-1, Hawaii Revised Statutes, to invalidate the longstanding practice of initiating prosecution of felony cases by complaint upon a finding of probable cause after a preliminary hearing. For the last forty years, article I, section 10, of the Hawaii State Constitution has stated, in part, that “[n]o person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury or upon a finding of probable cause after a preliminary hearing held as provided by law or upon information in writing signed by a legal prosecuting officer...” (emphasis added). As a result, the Hawaii State Constitution has been interpreted to allow prosecutors to initiate a prosecution by complaint upon a judge’s finding of probable cause after a preliminary hearing, by obtaining a grand jury indictment, or, if eligible, by written information pursuant to chapter 806, Hawaii Revised Statutes.

The legislature further finds that repeated attempts at initiating prosecution of the same felony offense by presenting the same evidence to both a grand jury and judge, or returning to the same forum, is not contemplated by the Hawaii State Constitution. Whether by presenting the allegations to a different grand jury after a prior grand jury did not find sufficient evidence for an indictment, or by using both the grand jury and preliminary hearing processes after the first forum rejected the evidence, the prosecution should not have multiple opportunities to present the same evidence in hopes of achieving a different outcome.

The purpose of this Act is to:

- (1) Conform the Hawaii Revised Statutes to article I, section 10, of the Hawaii State Constitution;
- (2) Clarify that felony prosecutions may be initiated by one of three methods:
 - (A) Complaint through the preliminary hearing process;
 - (B) Indictment by grand jury; or
 - (C) If the felony charge is eligible under section 806-83, Hawaii Revised Statutes, written information pursuant to the Hawaii

ACT 2

State Constitution and chapter 806, Hawaii Revised Statutes;
and

- (3) Stipulate that multiple attempts to initiate prosecution of the same felony offense by presenting the same evidence to a grand jury or judge, or both, either through the same initial charging method or an alternative method, or in different forums, shall not be permitted, except in certain circumstances.

SECTION 2. Section 801-1, Hawaii Revised Statutes, is amended to read as follows:

“§801-1 Indictment, complaint, or information. (a) No person shall be subject to be tried and sentenced to be punished in any court, for an alleged offense, unless upon indictment, complaint, or information, except for offenses within the jurisdiction of a district court or in summary proceedings for contempt. For any felony offense to be tried and sentenced upon complaint, a finding of probable cause after a preliminary hearing, or a waiver of the probable cause determination at the preliminary hearing, shall be required.

(b) If initiation of a felony prosecution is sought via an indictment by a grand jury or a finding of probable cause after a preliminary hearing, and is denied, initiation of a felony prosecution for the same offense using the same or an available alternative charging method or by seeking a different judge or jury shall not be permitted unless:

- (1) Additional material evidence is presented;
- (2) The initial hearing was before a grand jury and there is a subsequent finding of grand jury misconduct or grand jury counsel misconduct;
or
- (3) A court, upon application of the prosecutor, finds good cause to allow a subsequent presentation; provided that this paragraph shall not apply if prosecutors have previously sought a subsequent presentation for good cause.”

SECTION 3. New statutory material is underscored.

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

(Approved March 22, 2023.)

ACT 2

S.B. NO. 1

A Bill for an Act Relating to Health Care.

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

SECTION 1. The legislature finds that the people of Hawai'i have a long tradition of protecting an individual's right to privacy and bodily autonomy independently of, and more broadly than, the federal constitution. In 1970, the State became the first state in the nation to legalize abortion with the enactment of Act 1, Session Laws of Hawaii 1970. In 1978, the 1978 Hawaii State Constitutional Convention proposed, and the electorate approved, an amendment to explicitly codify the right to privacy in article I, section 6, of the Hawaii State Constitution. In 2006, the legislature took one of its constitutionally required affirmative steps to implement the right to privacy by passing Act 35, Session Laws of Hawaii 2006, which established that the State shall not deny or interfere with a pregnant person's right to choose or obtain an abortion of a

nonviable fetus or an abortion that is necessary to protect a pregnant person's life or health. Act 35 also removed the outdated requirement that individuals who seek an abortion be a Hawai'i resident for at least ninety days.

However, the legislature further finds that existing developments in the legal landscape threaten the State's policy to protect an individual's right to privacy and personal autonomy over their body within state boundaries. In June 2022, the Supreme Court of the United States held in *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct. 2228 (2022), that the United States Constitution does not confer a right to an abortion. *Dobbs* overrules *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992), and the nearly fifty years of federal precedent regarding reproductive rights. The impact of *Dobbs* has resulted in many states either banning or severely restricting access to abortion. Additionally, some states are pursuing laws or policies purporting to impose civil or criminal liability or professional discipline in connection with the provision or receipt of, or assistance with, reproductive health care services outside of these states' borders.

It is the policy of this State that the rights of equality, liberty, and privacy guaranteed under article I, sections 3, 5, and 6, of the Hawaii State Constitution are fundamental rights and that those rights include an individual's right to make reproductive health care decisions about one's own body and to decide whether to bear a child or obtain an abortion. Due to the shifting legal landscape regarding the right to privacy and an individual's bodily autonomy, the legislature finds it is imperative to reiterate and bolster the State's policy to affirm protection of these rights and freedoms within the state boundaries. The previous governor initiated this process by issuing Executive Order 22-5 on October 11, 2022, which outlined the governor's policy to limit cooperation with other states in investigations, proceedings, or warrants involving the provision of reproductive health care services in the State, provided that the provision of the reproductive health care service is legal in the State. This Act codifies and expands on that policy.

Additionally, this Act is intended to maintain the constitutional right to an abortion guaranteed by *Roe v. Wade*. While the legal landscape has fundamentally changed, this Act will amend the State's laws on abortion and reproductive rights so that they are reasonably similar to those that have existed for the past fifty years.

The purpose of this Act is to bolster the State's policy to protect an individual's right to privacy and bodily autonomy within the boundaries of the State, including minors, and to declare that the laws of other states authorizing civil actions and criminal prosecutions for receiving, seeking, providing, or aiding and abetting the provision of reproductive health care services are contrary to the State's public policy and to prohibit recognition and enforcement of other states' laws that impose civil or criminal liability relating to reproductive health care services.

PART I

SECTION 2. Section 453-16, Hawaii Revised Statutes, is amended to read as follows:

“§453-16 Intentional termination of pregnancy; [penalties;] refusal to perform. (a) ~~[No abortion shall be performed in this State unless:~~

- (1) ~~The abortion is performed by a]~~ A licensed physician or surgeon[;]
or ~~[by a]~~ licensed osteopathic physician and surgeon ~~[; and~~

ACT 2

(2) ~~The abortion is performed in a hospital licensed by the department of health or operated by the federal government or an agency thereof, or in a clinic or physician's or osteopathic physician's office.~~

~~(b) Abortion shall mean an operation to intentionally terminate the pregnancy of a nonviable fetus. The termination of a pregnancy of a viable fetus is not included in this section.~~

~~(e) may provide abortion care. A licensed physician assistant may provide medication or aspiration abortion care in the first trimester of pregnancy.~~

~~(b) The State shall not deny or interfere with [a female's right to choose or obtain an abortion of a nonviable fetus or an abortion that] a pregnant person's right to choose to:~~

~~(1) Obtain an abortion; or~~

~~(2) Terminate a pregnancy if the termination is necessary to protect the life or health of the [female.~~

~~(d) Any person who knowingly violates subsection (a) shall be fined not more than \$1,000 or imprisoned not more than five years, or both.~~

~~(e) pregnant person.~~

~~(c) Nothing in this section shall require any hospital or any person to participate in an abortion nor shall any hospital or any person be liable for a refusal.~~

~~(d) For purposes of this section:~~

~~"Abortion" means an intentional termination of the pregnancy of a nonviable fetus.~~

~~"Nonviable fetus" means a fetus that does not have a reasonable likelihood of sustained survival outside of the uterus."~~

SECTION 3. Section 457-8.7, Hawaii Revised Statutes, is amended to read as follows:

~~[[§457-8.7]] Advanced practice registered nurses; abortions by medication or aspiration; [penalties;] refusal to perform.~~ (a) Notwithstanding section 453-16 or any other law to the contrary, an advanced practice registered nurse may provide medication or aspiration abortion care in the first trimester of pregnancy, so long as the advanced practice registered nurse:

(1) Has prescriptive authority;

(2) Practices within the advanced practice registered nurse's practice specialty; ~~and~~

(3) Has a valid, unencumbered license obtained in accordance with this chapter; ~~and~~

~~(4) The aspiration abortion is performed in a hospital licensed by the department of health or operated by the federal government or an agency thereof, or in a clinic or advance practice registered nurse's office.~~

~~(b) Abortion shall mean an intentional termination of the pregnancy of a nonviable fetus. The termination of a pregnancy of a viable fetus is not included in this section].~~

~~[(e) (b) The State shall not deny or interfere with [a female's right to choose or obtain an abortion of a nonviable fetus or an abortion that] a pregnant person's right to choose to:~~

~~(1) Obtain an abortion; or~~

~~(2) Terminate a pregnancy if the termination is necessary to protect the life or health of the [female.~~

~~(d) Any person who knowingly violates subsection (a) shall be fined no more than \$1,000 or imprisoned no more than five years, or both.~~

~~(e) pregnant person.~~

(c) Nothing in this section shall require any hospital or any person to participate in an abortion, nor shall any hospital or any person be liable for a refusal.

(d) For purposes of this section, “abortion” and “nonviable fetus” shall have the same meaning as defined in section 453-16.”

PART II

SECTION 4. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER REPRODUCTIVE HEALTH CARE SERVICES

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Person” includes an individual, partnership, joint venture, corporation, association, business, trust, or any organized group of persons or legal entity, or any combination thereof.

“Reproductive health care services” includes all medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy.

§ -2 **Disclosures prohibited.** (a) Except as provided in rules 504, 504.1, and 505.5 of the Hawaii rules of evidence and subsection (b) or as authorized under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, and federal regulations promulgated thereunder, in any civil action or any proceeding preliminary thereto or in any probate, legislative, or administrative proceeding, no covered entity, as defined in title 45 Code of Federal Regulations section 160.103, or as the same as may be from time to time amended or modified, shall disclose:

- (1) Any communication made to the covered entity, or any information obtained by the covered entity from a patient or the conservator, guardian, or other authorized legal representative of a patient relating to reproductive health care services that are permitted under the laws of the State; or
- (2) Any information obtained by personal examination of a patient relating to reproductive health care services that are permitted under the laws of the State,

unless the patient or that patient’s conservator, guardian, or other authorized legal representative explicitly consents to the disclosure in writing in the form of a release of protected health information compliant with the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended. A covered entity shall inform the patient or the patient’s conservator, guardian, or other authorized legal representative of the patient’s right to withhold the written consent.

(b) Written consent of the patient or the patient’s conservator, guardian, or other authorized legal representative shall not be required for the disclosure of the communication or information:

- (1) If the records relate to a patient who is a plaintiff in a complaint pending before a court of competent jurisdiction alleging health care negligence and a request for records has been served on a named defendant in that litigation;

- (2) If the records are requested by a licensing authority, as defined in section 436B-2, and the request is made in connection with an investigation of a complaint to the licensing authority and the records are related to the complaint, unless the complaint is made solely on the basis that the licensee, acting within the licensee's scope of practice, provided reproductive health care services that are lawful in this State;
 - (3) To the director of health for records of a patient of a covered entity in connection with an investigation of a complaint, if the records are related to the complaint; or
 - (4) If child abuse, abuse of an individual who is sixty years of age or older, abuse of an individual who is physically disabled or incompetent, or abuse of an individual with an intellectual disability is known or in good faith suspected.
- (c) Nothing in this section shall be construed to impede the lawful sharing of medical records as permitted by state or federal law or the rules of the court, except in the case of a subpoena or warrant issued by a court, government agency, or legislative body of another state commanding the production, copying, or inspection of medical records relating to reproductive health care services.

§ -3 Subpoenas; when allowed. Notwithstanding sections 624-27 and 624D-3 or any other law to the contrary, no court or clerk of a court shall order the issuance of a subpoena requested by an officer, appointed according to the laws or usages of another state or government, or by any court of the United States or of another state or government, in connection with an out-of-state or interstate investigation or proceeding relating to reproductive health care services legally performed in the State.

§ -4 Agencies prohibited from providing information or expending resources. (a) No agency, as defined in section 92F-3, or employee, appointee, officer, official, or any other person acting on behalf of an agency shall provide any information or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any out-of-state or interstate investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for:

- (1) The provision, seeking, paying for, receipt of, or inquiring about reproductive health care services that are legal in the State; or
- (2) Assisting any person or entity providing, seeking, receiving, paying for, or responding to an inquiry about reproductive health care services that are legal in the State.

(b) This section shall not apply to any investigation or proceeding where the conduct subject to potential liability under the investigation or proceeding would be subject to liability under the laws of this State if committed in this State.

§ -5 Prohibition on state action. The State shall not penalize, prosecute, or otherwise take adverse action against an individual based on the individual's actual, potential, perceived, or alleged pregnancy outcomes. The State shall not penalize, prosecute, or otherwise take adverse action against a person for aiding or assisting a pregnant individual accessing reproductive health care services in accordance with the laws of the State and with the pregnant individual's voluntary consent.

§ -6 **Denial of demands for surrender.** Notwithstanding any provision of chapter 832 to the contrary, the governor shall deny any demand made by the executive authority of any state for the surrender of any person charged with a crime under the laws of that state when the alleged crime involves the provision or receipt of, paying for, or assistance with, reproductive health care services, unless the acts forming the basis of the prosecution would also constitute a criminal offense in this State. This section shall not apply to demands made under Article IV, section 2, of the United States Constitution.

§ -7 **Laws contrary to the public policy of this State.** (a) A law of another state authorizing a civil action or criminal prosecution based on any of the following is declared to be contrary to the public policy of this State:

- (1) Receiving, seeking, or paying for reproductive health care services;
- (2) Providing reproductive health care services;
- (3) Engaging in conduct that assists or aids or abets the provision or receipt of reproductive health care services; or
- (4) Attempting or intending to engage in or providing material support for (or any other theory of vicarious, attempt, joint, several or conspiracy liability derived therefrom) conduct described in paragraphs (1) to (3),

in accordance with the laws of this State.

(b) No law described in subsection (a) shall be applied to a case or controversy heard in the courts of this State.”

SECTION 5. Section 836-2, Hawaii Revised Statutes, is amended to read as follows:

“§836-2 **Summoning witness in this State to testify in another state.** If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this State certifies under the seal of ~~[such] that~~ court that there is a criminal prosecution pending in ~~[such] that~~ court, or that a grand jury investigation has commenced or is about to commence, that a person ~~[being within]~~ in this State is a material witness in ~~[such] the~~ prosecution[-] or grand jury investigation, and that the person’s presence will be required for a specified number of days, upon presentation of ~~[such] the~~ certificate to any judge of a court of record in this State in the judicial district in which ~~[such] the~~ person is, ~~[such] the~~ judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, and of any other state through which the witness may be required to pass by ordinary course of travel, will give to the witness protection from arrest and the service of civil and criminal process, the judge shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons[-], except that no judge shall issue a summons in a case where prosecution is pending, or where a grand jury investigation has commenced or is about to commence for a criminal violation of a law of another state involving the provision, paying for, receipt of, or assistance with reproductive health care services as defined in section -1

unless the acts forming the basis of the prosecution or investigation would also constitute an offense in this State. In any [such] hearing, the certificate shall be prima facie evidence of all the facts stated therein.

If [said] the certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure the witness' attendance in the requesting state, [such] the judge may, in lieu of notification of the hearing, direct that [such] the witness be forthwith brought before the judge for [said] the hearing; and the judge at the hearing being satisfied of the desirability of [such] the custody and delivery, for which determination the certificate shall be prima facie proof of [such] the desirability may, in lieu of issuing subpoena or summons, order that [said] the witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned [~~as above provided,~~] pursuant to this section, after being paid or tendered by some properly authorized person a sum equivalent to the cost of round-trip air fare to the place where the prosecution is pending and \$30 for each day, that the witness is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, the witness shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.”

PART III

SECTION 6. Section 442-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to any other actions authorized by law, the board shall refuse to issue or may order any license issued under this chapter to be revoked, suspended, limited, restricted, or placed under probation at any time in a proceeding before the board or fine a licensee for any cause authorized by law, including but not limited to the following:

- (1) Procuring or aiding or abetting in procuring [~~a criminal~~] an abortion[;] that is unlawful under the laws of this State or that would be unlawful under the laws of this State if performed within this State;
- (2) Employing what is popularly known as a “capper” or “steerer”;
- (3) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- (4) Wilfully betraying patient confidentiality;
- (5) Making any untruthful statement in advertising one’s practice or business under this chapter;
- (6) False, fraudulent, or deceptive advertising;
- (7) Advertising directly or indirectly, or in substance upon any card, sign, newspaper advertisement, or other written or printed sign of advertisement that the holder of a license or the licensee’s employer or employee will treat, cure, or attempt to treat or cure any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs;
- (8) Being habitually intemperate;
- (9) Habitually using any habit-forming drug, [~~such as~~] including opium, or any of its derivatives, morphine, heroin, cocaine, or any other habit-forming drug;
- (10) The advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed;
- (11) Procuring a license through fraudulent misrepresentation or deceit;

- (12) Professional misconduct or gross carelessness or manifest incapability in the practice of chiropractic;
- (13) Violating section 453-2; and
- (14) Knowingly recording, registering, or filing, or offering for recordation, registration, or filing, with the department of commerce and consumer affairs any written statement [~~which~~] that has been falsely made, completed, or altered, or in which a false entry has been made, or [~~which~~] that contains a false statement or false information.”

SECTION 7. Section 453-8, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) In addition to any other actions authorized by law, any license to practice medicine and surgery may be revoked, limited, or suspended by the board at any time in a proceeding before the board, or may be denied, for any cause authorized by law, including but not limited to the following:

- (1) Procuring, or aiding or abetting in procuring, [~~a criminal~~] an abortion[;] that is unlawful under the laws of this State or that would be unlawful under the laws of this State if performed within this State;
- (2) Employing any person to solicit patients for one’s self;
- (3) Engaging in false, fraudulent, or deceptive advertising, including but not limited to:
 - (A) Making excessive claims of expertise in one or more medical specialty fields;
 - (B) Assuring a permanent cure for an incurable disease; or
 - (C) Making any untruthful and improbable statement in advertising one’s medical or surgical practice or business;
- (4) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
- (5) Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (6) Procuring a license through fraud, misrepresentation, or deceit, or knowingly permitting an unlicensed person to perform activities requiring a license;
- (7) Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine or surgery;
- (8) Incompetence or multiple instances of negligence, including but not limited to the consistent use of medical service, which is inappropriate or unnecessary;
- (9) Conduct or practice contrary to recognized standards of ethics of the medical profession as adopted by the Hawaii Medical Association, the American Medical Association, the Hawaii Association of Osteopathic Physicians and Surgeons, or the American Osteopathic Association;
- (10) Violation of the conditions or limitations upon which a limited or temporary license is issued;
- (11) Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege[;], except when the revocation, suspension, or other disciplinary action was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not lim-

ited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State;

- (12) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a physician or osteopathic physician, notwithstanding any statutory provision to the contrary[;], except when the conviction was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State;
- (13) Violation of chapter 329, the uniform controlled substances act, or any rule adopted thereunder except as provided in section 329-122;
- (14) Failure to report to the board, in writing, any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days after the disciplinary decision is issued; or
- (15) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement or omission of fact.

(b) If disciplinary action related to the practice of medicine has been taken against the applicant by another state or federal agency, or if the applicant reveals a physical or mental condition that would constitute a violation under this section, then the board may impose one or more of the following requirements as a condition for licensure:

- (1) Physical and mental evaluation of the applicant by a licensed physician or osteopathic physician approved by the board;
- (2) Probation, including conditions of probation as requiring observation of the licensee by an appropriate group or society of licensed physicians, osteopathic physicians, or surgeons;
- (3) Limitation of the license by restricting the fields of practice in which the licensee may engage;
- (4) Further education or training or proof of performance competency; and
- (5) Limitation of the medical practice of the licensee in any reasonable manner to assure the safety and welfare of the consuming public[-];

provided that the board shall not impose as a condition for licensure any of the requirements pursuant to this subsection if the disciplinary action related to the practice of medicine taken against the applicant was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.

(c) Notwithstanding any other law to the contrary, the board may deny a license to any applicant who has been disciplined by another state or federal agency[-], except on the basis of discipline for the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral

services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State. Any final order of discipline taken pursuant to this subsection shall be a matter of public record.”

SECTION 8. Section 453-8.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Upon receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency, the board may issue an order imposing disciplinary action upon the licensee on the following conditions:

- (1) The board shall serve the licensee with a proposed order imposing disciplinary action as required by chapter 91;
- (2) The licensee shall have the right to request a hearing pursuant to chapter 91 to show cause why the action described in the proposed order should not be imposed;
- (3) Any request for a hearing shall be made in writing and filed with the board within twenty days after mailing of the proposed order to the licensee; and
- (4) If the licensee does not submit a written request for a hearing within twenty days after mailing of the proposed order, the board may issue a final order imposing the disciplinary action described in the proposed order[.];

provided that the board shall not issue an order imposing disciplinary action upon the licensee if the revocation, suspension, or other disciplinary action against a licensee by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.”

2. By amending subsection (c) to read:

“(c) A licensee against whom the board has issued a proposed order under this section shall be prohibited from practicing in this State until the board issues a final order if:

- (1) The licensee was the subject of disciplinary action by another state[;], except where the disciplinary action against the licensee by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State; and
- (2) The disciplinary action by another state prohibits the licensee from practicing in that state.”

SECTION 9. Section 455-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

ACT 2

“(a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, suspend, or refuse to renew any license to practice naturopathic medicine applied for or issued by the board in accordance with this chapter, and to fine or otherwise discipline a licensee for any cause authorized by law, including but not limited to the following:

- (1) Failing to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;
- (2) Procuring, or aiding or abetting in procuring, ~~[a criminal]~~ an abortion ~~[;] that is unlawful under the laws of this State or that would be unlawful under the laws of this State if performed within this State;~~
- (3) Employing any person to solicit patients;
- (4) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- (5) Betraying a patient’s confidence;
- (6) Making any untruthful and improbable statement in advertising one’s naturopathic practice or business;
- (7) False, fraudulent, or deceptive advertising;
- (8) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or ~~[an]~~ a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
- (9) Practicing naturopathic medicine while the ability to practice is impaired by alcohol, drug, physical disability, or mental instability;
- (10) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
- (11) Professional misconduct or gross carelessness or manifest incapacity in the practice of naturopathic medicine;
- (12) Conduct or practice contrary to recognized standard of ethics of the naturopathic profession;
- (13) Using medical service or treatment ~~[which]~~ that is inappropriate or unnecessary;
- (14) Submitting to or filing with the board any notice, statement, or other document required under this chapter ~~[which]~~ that is false or untrue or contains any material misstatement of fact, including any false certification of compliance with the continuing education requirement specified under section 455-8;
- (15) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
- (16) Using the title “physician” without clearly identifying oneself as being a naturopathic physician;
- (17) Prescribing, administering, and dispensing naturopathic formulary that are not included in the formulary established by the board under section 455-6; and
- (18) Violation of any provision of this chapter or rules adopted under this chapter.”

SECTION 10. Section 457-12, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, limit, or suspend any license to practice nursing as a registered nurse or as a licensed practical nurse applied for or issued by the board in accordance with this chapter, and to fine or to otherwise discipline

a licensee for any cause authorized by law, including but not limited to the following:

- (1) Fraud or deceit in procuring or attempting to procure a license to practice nursing as a registered nurse or as a licensed practical nurse;
 - (2) Gross immorality;
 - (3) Unfitness or incompetence by reason of negligence, habits, or other causes;
 - (4) Habitual intemperance, addiction to, or dependency on alcohol or other habit-forming substances;
 - (5) Mental incompetence;
 - (6) Unprofessional conduct as defined by the board in accordance with its own rules;
 - (7) Wilful or repeated violation of any of the provisions of this chapter or any rule adopted by the board;
 - (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license[;], except when the revocation, suspension, limitation, or other disciplinary action by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State;
 - (9) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a nurse, notwithstanding any statutory provision to the contrary[;], except when the conviction was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State;
 - (10) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
 - (11) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement of fact, including a false attestation of compliance with continuing competency requirements;
 - (12) Violation of the conditions or limitations upon which any license is issued; or
 - (13) Violation of chapter 329, the uniform controlled substances act, or any rule adopted thereunder except as provided in section 329-122.
- (b) Notwithstanding any other law to the contrary, the board may deny a license to any applicant who has been disciplined by another state[;], except on the basis of discipline by another state for the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy,

ACT 2

so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State. Any final order entered pursuant to this subsection shall be a matter of public record.”

SECTION 11. Section 457-12.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Upon receipt of evidence of revocation, suspension, or other disciplinary action against a licensee in another state, the board may issue an order imposing disciplinary action upon the licensee on the following conditions:

- (1) The board shall serve the licensee with a proposed order imposing disciplinary action as required by chapter 91;
- (2) The licensee shall have the right to request a hearing pursuant to chapter 91 to show cause why the action described in the proposed order should not be imposed;
- (3) Any request for a hearing shall be made in writing and filed with the board within twenty days after mailing of the proposed order to the licensee; and
- (4) If the licensee does not submit a written request for a hearing within twenty days after mailing of the proposed order, the board shall issue a final order imposing the disciplinary action described in the proposed order[.];

provided that the board shall not issue an order imposing disciplinary action upon the licensee if the revocation, suspension, or other disciplinary action against a licensee by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.”

2. By amending subsection (c) to read:

“(c) A licensee against whom the board has issued a proposed order under this section shall be prohibited from practicing in this State until the board issues a final order if:

- (1) The licensee was the subject of disciplinary action [~~in~~] by another state[.], except where the disciplinary action against the licensee by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State; and
- (2) The disciplinary action in the other state prohibits the licensee from practicing in that state.”

SECTION 12. Section 461-21.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Upon receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency, the board

may issue an order imposing disciplinary action upon the licensee on the following conditions:

- (1) The board shall serve the licensee with a proposed order imposing disciplinary action as required by chapter 91;
- (2) The licensee shall have the right to request a hearing pursuant to chapter 91 to show cause why the action described in the proposed order should not be imposed;
- (3) Any request for a hearing shall be made in writing and filed with the board within twenty days after mailing of the proposed order to the licensee; and
- (4) If the licensee does not submit a written request for a hearing within twenty days after mailing of the proposed order, the board shall issue a final order imposing the disciplinary action described in the proposed order[.];

provided that the board shall not issue an order imposing disciplinary action upon the licensee if the revocation, suspension, or other disciplinary action against a licensee by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State.”

2. By amending subsection (c) to read:

“(c) A licensee against whom the board has issued a proposed order under this section shall be prohibited from practicing in this State until the board issues a final order if:

- (1) The licensee was the subject of disciplinary action by another state[.], except where the disciplinary action against the licensee by another state was based on the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy, so long as the provision or assistance in receipt or provision of the services was in accordance with the laws of this State or would have been in accordance with the laws of this State if it occurred within this State; and
- (2) The disciplinary action by another state prohibits the licensee from practicing in that state.”

PART IV

SECTION 13. Chapter 636C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§636C- Enforcement of foreign penal civil actions relating to protected reproductive health care services. (a) No judgment or other order arising from a foreign penal civil action or other penal law banning, restricting, burdening, punishing, penalizing, or otherwise interfering with the provision of protected reproductive health care services shall be enforced in this State.

(b) As used in this section:

“Foreign penal civil action” means an action authorized by the law of a state, or of any municipality or other governmental entity within a state, other than this State, the essential character and effect of which is to punish an of-

ACT 3

fense against the public justice of that state, municipality, or other governmental entity.

“Protected reproductive health care services” means medical, surgical, pharmaceutical, counseling, or referral services relating to the human reproductive system, including but not limited to services relating to pregnancy, contraception, or termination of a pregnancy, that are protected under the Hawaii State Constitution or otherwise lawful under the laws of this State or that would be constitutionally protected or otherwise lawful if performed within this State.”

PART V

SECTION 14. Section 577A-1, Hawaii Revised Statutes, is amended by amending the definition of “medical care and services” to read as follows:

““Medical care and services” means the diagnosis, examination, and administration of medication in the treatment of venereal diseases, pregnancy, and family planning services. ~~[It shall not include surgery or any treatment to induce abortion.]~~”

PART VI

SECTION 15. 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 16. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 17. This Act shall take effect upon its approval; provided that the amendments made to section 457-12(a), Hawaii Revised Statutes, by section 10 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 March 22, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 3

H.B. NO. 1514

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. In accordance with section 9 of article VII, of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2022-2023 has already been exceeded by \$839,710,089 or 8.14 per cent. The appropriations contained in sections 2, 3, and 13 of this Act will cause the state general fund expenditure ceiling for fiscal year 2022-2023 to be exceeded by \$27,567,902 or 0.27 per cent. This current declaration takes into account

additional general fund appropriations authorized for fiscal year 2022-2023 in this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$11,300,631 or so much thereof as may be necessary to the senate for the following expenses:

- (1) The sum of \$10,038,131 for defraying any and all session and non-session expenses of the senate up to and including June 30, 2024, including the 2023 regular session, thirty-second legislature of the State of Hawaii and pre-session expenses and the expenses of any committee or committees established during the interim between the 2023 and 2024 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; and
- (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.

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

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$15,532,243 or so much thereof as may be necessary to the house of representatives for the following expenses:

- (1) The sum of \$14,481,319 for defraying any and all session and non-session expenses of the house of representatives up to and including June 30, 2024, including the 2023 regular session, thirty-second legislature of the State of Hawaii and pre-session expenses and the expense of any committee or committees established during the interim between the 2023 and 2024 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; and
- (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.

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

SECTION 4. Payment of expenses of the senate during the interim between the 2023 and 2024 regular sessions shall be made only with the approval of the president of the senate, and payment of expenses of the house of repre-

ACT 3

sentatives during the interim between the 2023 and 2024 regular sessions shall be made only with the approval of the speaker of the house of representatives.

SECTION 5. Before January 17, 2024, 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 17, 2024.

SECTION 6. 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 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,474,364 or so much thereof as may be necessary to the office of the auditor for the following expenses:

- (1) The sum of \$3,324,364 for defraying the expenses of the office of the auditor during fiscal year 2023-2024; and
- (2) The sum of \$150,000 during fiscal year 2023-2024 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 8. 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 2023-2024 to be deposited into the audit revolving fund established pursuant to section 23-3.6, Hawaii Revised Statutes.

SECTION 9. 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 2023-2024 for the office to conduct or complete its audit functions as provided by law.

The sum appropriated shall be expended by the auditor.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,950,647 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 2023-2024, including equipment relating to computer systems programming and operations.

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

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,527,642 or so much thereof as may be necessary

to the office of the ombudsman for defraying the expenses of the office during fiscal year 2023-2024.

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

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,541,514 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 2023-2024.

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

SECTION 13. 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	\$84,035
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, 2024.

SECTION 14. As of the close of business on June 30, 2024, the unexpended or unencumbered balance of any appropriation made by this Act shall lapse into the general fund.

SECTION 15. Each section of this Act is declared to be severable from the remainder of this Act.

SECTION 16. This Act shall take effect upon its approval.

(Approved March 28, 2023.)

A Bill for an Act Relating to Committee Fundraisers.

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

SECTION 1. 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

ACT 5

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.

(d) As used in this section:

“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.~~] for which any price is charged or any contribution is suggested for attending the function.

“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 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 31, 2023.)

ACT 5

H.B. NO. 93

A Bill for an Act Relating to Organizational Reports.

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

SECTION 1. Section 11-322, Hawaii Revised Statutes, is amended to read as follows:

“**§11-322 Organizational report, candidate committee.** (a) The candidate committee organizational report shall include:

- (1) The committee’s name and address, including web page address, if any;
- (2) The candidate’s name, address, and telephone number;
- (3) The office being sought by the candidate, district, and party affiliation;
- (4) The chairperson’s name and address and, if appointed, the deputy chairperson’s name and address;
- (5) The treasurer’s name and address and, if appointed, all deputy treasurers’ names and addresses;

- (6) The name and address of each depository institution in which the committee will maintain any of its accounts and the applicable account number; and
- (7) A certification by the candidate and treasurer of the statements in the organizational report.
- (b) Any change in information previously reported in the organizational report shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.
- (c) The commission shall publish on its website the names of all candidates who have failed to:
 - (1) File the organizational report; or
 - (2) Correct a report within two weeks after the commission provides a notice to correct.”

SECTION 2. Section 11-323, Hawaii Revised Statutes, is amended to read as follows:

“§11-323 Organizational report, noncandidate committee. (a) The noncandidate committee organizational report shall include:

- (1) The committee’s name, which shall incorporate the full name of the sponsoring entity, if any. An acronym or abbreviation may be used in other communications if the acronym or abbreviation is commonly known or clearly recognized by the general public. The committee’s name shall not include the name of a candidate;
- (2) The committee’s address, including web page address, if any;
- (3) The area, scope, or jurisdiction of the committee;
- (4) The name and address of the committee’s sponsoring entity. If the committee does not have a sponsoring entity, the committee shall specify the trade, profession, or primary interest of contributors to the committee;
- (5) The name, address, telephone number, occupation, and principal place of business of the chairperson;
- (6) The name, address, telephone number, occupation, and principal place of business of the treasurer and any other officers;
- (7) An indication as to whether the committee was formed to support or oppose a specific ballot question or candidate and, if so, a brief description of the question or the name of the candidate;
- (8) An indication as to whether the committee is a political party committee;
- (9) The name, address, telephone number, occupation, and principal place of business of the custodian of the books and accounts;
- (10) The name and address of the depository institution in which the committee will maintain its campaign account and each applicable account number; and
- (11) A certification by the chairperson and treasurer of the statements in the organizational report.

(b) Any change in information previously reported in the organizational report shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.

(c) The commission shall publish on its website the names of all non-candidate committees who have failed to:

- (1) File the organizational report; or

ACT 6

(2) Correct a report within two weeks after the commission provides a notice to correct.”

SECTION 3. New statutory material is underscored.

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

(Approved March 31, 2023.)

ACT 6

H.B. NO. 99

A Bill for an Act Relating to Limiting a Campaign’s Acceptance of Cash Contributions.

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

SECTION 1. Section 11-351, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A candidate, candidate committee, or noncandidate committee, shall not accept a contribution of more than \$100 in cash, in the aggregate, from a single person [~~without issuing~~] during each election period and shall issue a receipt to the contributor and [~~keeping~~] keep a record of the contribution.”

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 31, 2023.)

ACT 7

H.B. NO. 130

A Bill for an Act Relating to Validation of Ballots.

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

SECTION 1. Section 11-108, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

“(c) Any ballot the validity of which cannot be established upon receipt shall be retained by the clerk and shall not be commingled with ballots for which validity has been established until the validity of the ballot in question can be verified by the clerk. No ballot shall be included in an initial tabulation until the clerk has determined its validity. The clerk shall make reasonable efforts to determine the validity of ballots within [~~seven~~] five business days following an election day. No ballot shall be validated beyond the [~~seventh~~] fifth business day following an election.”

2. By amending subsection (e) to read:

“(e) No election result shall be certified pursuant to section 11-155 unless all ballots verified as valid by the clerk within ~~seven~~ five business days following an election day have been added to the final tabulation. Recount of a final tabulation shall be as provided by law.”

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 March 31, 2023.)

ACT 8

H.B. NO. 137

A Bill for an Act Relating to Lobbyists.

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

SECTION 1. Section 97-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

- “(c) The statement shall contain the following information:
- (1) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the total sum of \$25 or more per day was made by the person filing the statement during the statement period and the amount or value of the expenditure;
 - (2) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the aggregate of \$150 or more was made by the person filing the statement during the statement period and the amount or value of the expenditures;
 - (3) The total sum or value of all expenditures for the purpose of lobbying made by the person filing the statement during the statement period; provided that the sum or value of each expenditure is itemized in the following categories, as applicable:
 - (A) Preparation and distribution of lobbying materials;
 - (B) Media advertising;
 - (C) Compensation paid to lobbyists;
 - (D) Fees paid to consultants for services;
 - (E) Entertainment and events;
 - (F) Receptions, meals, food, and beverages;
 - (G) Gifts;
 - (H) Loans;
 - (I) Interstate transportation, including incidental meals and lodging; and
 - (J) Other disbursements;
 - (4) The name and address of each person making contributions to the person filing the statement for the purpose of lobbying in the total sum of \$25 or more during the statement period and the amount or value of the contributions; and
 - (5) The [subject area] identity, by bill number, resolution number, and, if applicable, budget cost or program identification number, or other similar identifier, of the legislative ~~and~~ or administrative action that was commented on, supported by, or opposed by the person filing the statement during the statement period.”

ACT 9

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, 2025.

(Approved March 31, 2023.)

ACT 9

H.B. NO. 140

A Bill for an Act Relating to Record Disposition.

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

SECTION 1. The purpose of this Act is to provide greater uniformity, flexibility, and efficiency in handling and maintaining state ethics commission records.

SECTION 2. Section 84-17.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) All financial disclosure statements filed by a legislator, employee, or delegate to a constitutional convention shall be maintained by the state ethics commission for a period of six years from the date of the financial disclosure statement’s filing. Upon the expiration of the six-year period, the financial disclosure statement and all copies thereof [~~shall~~] may be destroyed.

(b) Upon the expiration of six years after an election for which a candidate for state elective office or a constitutional convention has filed a financial disclosure statement, the state ethics commission [~~shall~~] may destroy the candidate’s financial disclosure statement and all copies thereof.”

SECTION 3. Section 97-4, Hawaii Revised Statutes, is amended to read as follows:

“**§97-4 Manner of filing; public records.** All statements required by this chapter to be filed with the state ethics commission:

- (1) Shall be deemed properly filed when delivered or deposited in an established post office within the prescribed time; duly stamped, registered, or certified; and directed to the state ethics commission; provided that in the event it is not received, a duplicate of the statement shall be promptly filed upon notice by the state ethics commission of its nonreceipt; and
- (2) Shall be maintained by the state ethics commission for a period of no less than six years from the date of filing; and shall constitute part of the public records of the state ethics commission.”

SECTION 4. This Act shall apply to all disclosures that were filed before the effective date of this Act and that are in the state ethics commission’s possession and control.

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 March 31, 2023.)

ACT 10

H.B. NO. 142

A Bill for an Act Relating to Gifts from Lobbyists.

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

SECTION 1. The purpose of this Act is to improve standards of conduct by prohibiting lobbyists from making certain gifts to legislators and state employees.

SECTION 2. Chapter 97, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§97- Unlawful gifts by lobbyists. (a) It shall be unlawful for a lobbyist or any person or entity required to file a statement of expenditures under section 97-3 to make a gift to a legislator or employee that is prohibited by section 84-11 or title 21, chapter 7 of the Hawaii administrative rules.

(b) For the purposes of this section, “employee” shall have the same meaning as defined in section 84-3.”

SECTION 3. Section 97-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person ~~[who:]~~ or entity that:

- (1) Negligently fails to file any statement or report required by this chapter;
- (2) Negligently files a statement or report containing false information or material omission of any fact;
- (3) Engages in activities prohibited by section 97-5; ~~[or]~~
- (4) Fails to provide information required by section 97-2 or 97-3; or
- (5) Makes a gift in violation of section 97- ;

shall be subject to an administrative fine imposed by the state ethics commission that shall not exceed \$1,000 for each violation of this chapter. All fines collected under this section shall be deposited into the general fund.”

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.¹

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

(Approved March 31, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Hawaiian Independence Day.

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

SECTION 1. The legislature finds that every state in our nation celebrates holidays unique to that state's history. Texas celebrates its own Texas Independence Day, a day honoring Texas' independence from Mexico's central government. Utah celebrates Pioneer Day, the day Brigham Young arrived in Utah's Great Salt Lake Valley. Alaska celebrates Seward's Day to recognize the day that the purchase treaty between the United States and Russia was codified. The distinctive cultural and storied past of Hawaii has its own holidays that have been celebrated through the territorial period of Hawaii's history. La Kuokoa, Hawaiian Independence Day, was widely celebrated with pride as Hawaii became an emerging power in the Pacific among the global powers of that time.

The history and culture of Hawaii are showcased around the world to tell the story of the archipelago. Hawaii's culture and native language are used to make areas, buildings, and communities relevant with a sense of place. La Kuokoa has long been a source of pride in Hawaii and in recent years has garnered a newfound energy in its celebration.

The legislature further finds that during the reign of Kamehameha III, Great Britain and France recognized the independence of the Kingdom of Hawaii by joint proclamation on November 28, 1843. The United States followed on July 6, 1844. These leading world powers recognized Hawaii as an independent nation state due to the diplomatic work of Timoteo Haalilio, the first diplomat of the Kingdom of Hawaii, and his associate William Richards, who were sent as envoys of Kamehameha III to secure formal diplomatic relations with these countries.

In 1847, Kamehameha III required his Minister of Foreign Affairs, Robert Crichton Wyllie, to propose a suitable way to recognize and celebrate the anniversary of Hawaii's welcome into the family of nations. On October 15, 1847, Wyllie delivered his report, by Privy Council, to the King and ministers. That year marked the first official celebration of Hawaiian Independence Day, La Kuokoa.

Throughout the 1850s and 1870s, Hawaii celebrated La Kuokoa with luau, music, and marches. The celebration grew under the reign of King Kalakaua, with formal proclamations sent by official circular to the foreign diplomatic corps in Hawaii and the Kingdom of Hawaii consuls abroad, informing them of the holiday.

The day remained a national holiday under the Provisional Government of Hawaii, the Republic of Hawaii, and the initial years of the Territory of Hawaii. La Kuokoa was included in the codified list of national holidays enacted by the Republic of Hawaii in 1896.

Accordingly, the purpose of this Act is to establish November 28 of each year as La Kuokoa, Hawaiian Independence Day, to celebrate the historical recognition of the independence of the Kingdom of Hawaii.

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 Kuokoa; Hawaiian Independence Day. November 28 of each year shall be known and designated as La Kuokoa, Hawaiian Independence Day, to celebrate the historical recognition of the independence of the Kingdom of Hawaii. This day 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 April 19, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 12

H.B. NO. 899

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 alcohol consumption during pregnancy has been recognized as the leading preventable cause of birth defects and developmental disorders in the United States. According to the federal Centers for Disease Control and Prevention, an estimated one in eight women drink alcohol during pregnancy, placing their children at risk for a variety of developmental, cognitive, and behavioral issues.

The legislature also finds that as many as forty thousand babies are born in the United States each year with fetal alcohol spectrum disorder, an umbrella term used to describe the range of physical and cognitive deficits, many of them lifelong, that may be experienced by persons whose mothers drank alcohol during pregnancy.

The purpose of this Act is to designate the month of September as Fetal Alcohol Spectrum Disorder Awareness Month to promote public awareness of the risks of alcohol consumption during pregnancy.

SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§8- Fetal Alcohol Spectrum Disorder Awareness Month. The month of September shall be known and designated as “Fetal Alcohol Spectrum Disorder Awareness Month” to promote public awareness of the risks of alcohol consumption during pregnancy. This month 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 April 19, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Boards of Registration.

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

SECTION 1. Section 11-41, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) There shall be four boards of registration: one for the island of Hawaii; one for the islands of Maui, Molokai, Lanai, and Kahoolawe; one for the island of Oahu; and one for the islands of Kauai and Niihau. The boards, which shall be in the department of accounting and general services for administrative purposes, shall consist of three members each ~~[and]~~ who shall be appointed by the governor by and with the advice and consent of the senate; their terms of office shall be four years. Each member shall, at the time of appointment and continuing through their term of office, be a registered voter in the respective county of the board to which the member is appointed.

(b) In no case shall any board consist entirely of members of one political party. Party membership shall be the member’s party membership at the time of appointment and shall be determined by the respective political party. If a member changes their party membership during their term of office, then the member’s new party membership shall be their membership for the purposes of this subsection. Upon request by the governor or a senator, a member shall provide verification of party membership. A member shall also provide notice that they have changed their party membership to the governor and senate president if the member changes their party membership during their term of office.”¹

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, 2024.

(Approved April 19, 2023.)

Note

1. So in original.

A Bill for an Act Relating to Advisory Committees.

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

SECTION 1. Section 11-10.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-10.5]]~~ **Statewide ~~[voters with special]~~ elections accessibility needs advisory committee.** (a) There is established a statewide ~~[voters with special]~~ elections accessibility needs advisory committee within the office of elections for administrative purposes. The purpose of the advisory committee is to ensure equal and independent access to voter registration, casting of ballots, and all other office of elections services.

(b) The advisory committee shall consist of five members appointed by the governor based on recommendations from organizations within the State that are comprised of a majority of officers and members who are persons with ~~[physical]~~ disabilities including visual impairment. Each member shall identify as a voter with ~~[special]~~ accessibility needs arising from ~~[physical]~~ disabilities including visual and hearing impairments that require an accommodation to vote.

The terms of advisory committee members shall be four years; provided that initial terms shall be one, two, three, or four years to ensure staggered rotation of members.

(c) The advisory committee shall meet at least annually to review election procedures, services, and technology and access to information, and shall make recommendations to the office of elections on at least an annual basis. The advisory committee may meet and subsequently make recommendations at additional times as determined by a majority of the members.”

SECTION 2. Section 11-10.6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-10.6]]~~ **County [voters with special] elections accessibility needs advisory committees.** (a) Each county shall establish a county [voters with special] elections accessibility needs advisory committee. The purpose of the advisory committee shall be to ensure equal and independent access to voter registration, casting of ballots, and all other county elections division services.

(b) Each advisory committee shall consist of five members appointed by the mayor of each respective county based on recommendations from organizations within the county that are comprised of a majority of officers and members who are persons with [physical] disabilities including visual impairment. Each member shall identify as a voter with [special] accessibility needs arising from [physical] disabilities including visual and hearing impairments which require an accommodation to vote. The terms of advisory committee members shall be four years; provided that initial terms shall be one, two, three, or four years to ensure staggered rotation of members.

(c) Each advisory committee shall meet at least annually to review election procedures, services, and technology and access to information, and shall make recommendations to the office of elections on at least an annual basis. The advisory committees may meet and subsequently make recommendations at additional times as determined by a majority of the members.”

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 19, 2023.)

ACT 15

S.B. NO. 313

A Bill for an Act Relating to the State Rehabilitation Council.

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

SECTION 1. Section 348-8, Hawaii Revised Statutes, is amended to read as follows:

“~~§348-8~~ **State rehabilitation council.** (a) There is established within the department a state rehabilitation council. The council shall consist of [twenty-one] fifteen members appointed by the governor as provided in section 26-34 and without regard to section 78-4. The members shall include:

- (1) At least one representative of a parent training and information center;
- (2) At least one representative of the client assistance program;

- (3) At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member if employed by the vocational rehabilitation division of the department;
- (4) At least one representative of community rehabilitation program service providers;
- (5) Four representatives of business, industry, and labor;
- (6) Representatives of disability advocacy groups representing a cross section of individuals with physical, cognitive, sensory, and mental disabilities, and parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;
- (7) Current or former applicants for or recipients of vocational rehabilitation services;
- (8) At least one representative of the state educational agency responsible for the public education of students with disabilities;
- (9) At least one representative of the state workforce development council; and
- (10) The administrator of the vocational rehabilitation division of the department, who shall be an ex officio, nonvoting member;

provided that the council shall include at least one member from each county; and provided further that a majority of the council members shall be persons who have disabilities and are not employed by the vocational rehabilitation division of the department. The council members shall elect a chairperson from the membership. Each member of the council shall serve a three-year term but may not serve more than two consecutive full terms~~[-];~~ provided that the member representing the client assistance program shall not be subject to term limits.

(b) Any vacancy occurring in the council membership shall be filled in the same manner as the original appointment, except that the governor may delegate the authority to fill ~~[such]~~ a vacancy to the remaining members of the council after making the original appointment. Any vacancy on the council shall not impair the authority of the remaining members to establish quorum by a simple majority of the remaining members and to exercise all the powers of the council.

~~[(b)]~~ (c) The council members shall serve without compensation but shall be reimbursed for reasonable expenses, including travel expenses, necessary for the performance of their duties.

~~[(c)]~~ (d) The council, after consulting with the state workforce development council, shall advise the vocational rehabilitation division of the department on eligibility, order of selection, extent, scope, and effectiveness of services provided, and performance of state agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes. The council shall develop, agree to, and review state goals and priorities, advise the vocational rehabilitation division of the department regarding authorized activities, and assist in the preparation of the state plan and amendments to the plan, applications, reports, needs assessment, and evaluations. The council shall conduct a review and analysis of the effectiveness of, and consumer satisfaction with, the performance by the vocational rehabilitation division of the department, vocational rehabilitation services provided by state agencies, and other public and private entities, and employment outcomes achieved by eligible individuals receiving services, including the availability of health and other employment benefits in connection with employment outcomes. The council shall prepare and submit an annual report to the governor on the status of vocational rehabilitation programs within the State and make the report available to the public.

~~[(d)]~~ (e) The council shall coordinate with other councils within the State including the state council on developmental disabilities, the state council on mental health, the advisory panel of individuals with disabilities in education, and the state workforce development council. The council shall establish working relationships between the vocational rehabilitation division of the department and other councils and coordinate other functions as deemed appropriate under federal law.

~~[(e)]~~ (f) If there is a disagreement between the council and the vocational rehabilitation division of the department, the disagreement shall be resolved by the governor.”

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 19, 2023.)

ACT 16

S.B. NO. 346

A Bill for an Act Relating to Emergency Vehicles.

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

SECTION 1. The legislature finds that the use of sirens by emergency vehicles can be necessary to alert other vehicles and pedestrians that an emergency vehicle is exercising its authority to disregard certain traffic laws, such as proceeding through a red light or exceeding the posted speed limit. The legislature further finds that some emergency response sectors have determined that there should be flexibility to not engage the siren in situations where it is unnecessary, such as responding at night when the streets are empty of cars and pedestrians. Further, the city and county of Honolulu has expressed in its ordinances that the siren should be used “as may be reasonably necessary”. Despite this, some emergency response sectors believe that the use of the siren is mandatory in all circumstances. The legislature notes that the unnecessary use of a siren contributes to noise pollution, especially in heavily-congested residential areas.

Accordingly, the purpose of this Act is to provide flexibility in the use of sirens by emergency response vehicles in certain circumstances.

SECTION 2. Section 291C-26, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The exemptions granted in subsection (b) to an authorized emergency vehicle shall apply only when the vehicle is making use of authorized audible and visual signals~~[- except as otherwise provided by county ordinance.];~~ provided that use of an authorized audible signal shall not be required if it is not reasonably necessary under the circumstances. This subsection shall not apply to police vehicles.”

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 19, 2023.)

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 124B-116, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(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] sentence is set aside or disapproved.”

SECTION 2. Section 124B-171, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any person subject to this chapter[?] who:

- (1) [~~Who takes~~] Takes an oath or affirmation that[?] is administered:
 - (A) [~~Is administered in~~] In a matter in which the oath or affirmation is required or authorized by law; and
 - (B) [~~Is administered by~~] By a person with authority to do so; and
- (2) [~~Who, upon~~] Upon the oath or affirmation, makes or subscribes to a statement,

if the statement is false and at the time of taking the oath or affirmation, the person does not believe the statement to be true, shall be punished as directed by a court-martial.”

SECTION 3. Section 141-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the farmer apprentice mentoring program, to be administered by the department of agriculture to support [~~former~~] farmer mentors in training apprentices.”

SECTION 4. Section 144-2, Hawaii Revised Statutes, is amended to read as follows:

“**§144-2 Definitions.** When used in this chapter:

- [(1) The term “person” includes individual, partnership, corporation, and association.
- (2) The term “distribute” means to offer for sale, sell, barter, or otherwise supply feed, commercial feeds or custom-mixed feeds. The term “distributor” means any person who distributes.
- (3) The term “sell” or “sale” includes exchange.
- (4) The term “official name” of a feed ingredient means the name of a feed ingredient which is defined in the current official publication of the Association of American Feed Control Officials, Incorporated.
- (5) The term “feed” means all edible materials consumed by animals, other than dogs, cats, or other domestic pets, which contribute energy or nutrients to the animal’s diet, and which are distributed or imported.
- (6) The term “commercial feed” means all feed except:

- (A) ~~Whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of section 144-6, which are distributed for use as feed or for mixing in feed.~~
- (B) ~~Hay, straw, stover, silage, cobs, husks, and hulls (i) when unground or (ii) when unmixed with other materials.~~
- (C) ~~Wet garbage.~~
- (D) ~~Individual chemical compound when not mixed with other materials.~~
- (E) ~~Unmixed feeding cane molasses, unmixed pineapple pulp, unmixed pineapple hay, and unmixed sugarcane hay.~~
- (7) The term “feed ingredient” means each of the constituent materials making up a feed.
- (8) The term “mineral feed” means a substance or mixture of substances designed or intended to supply primarily mineral elements or inorganic nutrients.
- (9) The term “drug” means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than human and articles other than feed intended to affect the structure or any function of the animal body.
- (10) The term “manufacture” means to grind, mix, or blend, or further process a commercial feed for distribution.
- (11) The term “custom-mixed feed” means a special commercial mixture which is formulated by the manufacturer or processor in accordance with the specific instructions of the final purchaser and contains feed material or materials wholly or partly supplied by such manufacturer or processor.
- (12) The term “toll-milled feed” means a special feed which is processed by the processor (A) from materials entirely delivered by the owner thereof or the owner’s authorized agent, and (B) in accordance with the specific instructions of such owner, and which is not distributed.
- (13) The term “commercial mixed feed” means a commercial feed which is a mixture or blend of more than one feed ingredient.
- (14) The term “commercial simple feed” means a commercial feed that consists of only one feed ingredient.
- (15) The term “brand name” means any word, name, symbol, or device or any combination thereof identifying the commercial feed of a distributor and distinguishing it from that of others.
- (16) The term “product name” means the name of the commercial feed which identifies it as to kind, class, or specific use.
- (17) The term “label” means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or imported, or on the invoice or delivery slip with which a commercial feed or custom-mixed feed is distributed or imported.
- (18) The term “ton” means a net weight of two thousand pounds avoirdupois.
- (19) The term “per cent” or “percentage” means percentage by weight.
- (20) The term “official sample” means any sample of feed taken by the department or its agent and designated as “official” by the department.]

“Brand name” means any word, name, symbol, or device or any combination thereof identifying the commercial feed of a distributor and distinguishing it from that of others.

“Commercial feed” means all feed except:

- (1) Whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of section 144-6, that are distributed for use as feed or for mixing in feed;
- (2) Hay, straw, stover, silage, cobs, husks, and hulls when:
 - (A) Unground; or
 - (B) Unmixed with other materials;
- (3) Wet garbage;
- (4) Individual chemical compounds when not mixed with other materials; and
- (5) Unmixed feeding cane molasses, unmixed pineapple pulp, unmixed pineapple hay, and unmixed sugarcane hay.

“Custom-mixed feed” means a special commercial mixture that is formulated by the manufacturer or processor in accordance with the specific instructions of the final purchaser and contains feed material or materials wholly or partly supplied by the manufacturer or processor.

“Distribute” means to offer for sale, sell, barter, or otherwise supply feed, commercial feeds, or custom-mixed feeds.

“Distributor” means any person who distributes.

“Drug” means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than human and articles other than feed intended to affect the structure or any function of the animal body.

“Feed” means all edible materials consumed by animals, other than dogs, cats, or other domestic pets, that contribute energy or nutrients to the animal’s diet and are distributed or imported.

“Feed ingredient” means each of the constituent materials making up a feed.

“Label” means a display of written, printed, or graphic matter:

- (1) Upon or affixed to the container in which a commercial feed is distributed or imported; or
- (2) On the invoice or delivery slip with which a commercial feed or custom-mixed feed is distributed or imported.

“Manufacture” means to grind, mix, or blend or further process a commercial feed for distribution.

“Official name” of a feed ingredient means the name of a feed ingredient that is defined in the current official publication of the Association of American Feed Control Officials, Incorporated.

“Official sample” means any sample of feed taken by the department or its agent and designated as “official” by the department.

“Person” includes individual, partnership, corporation, and association.

“Product name” means the name of the commercial feed that identifies it as to kind, class, or specific use.

“Sell” or “sale” includes exchange.

“Toll-milled feed” means a special feed that is processed by the processor:

- (1) From materials entirely delivered by the owner thereof or the owner’s authorized agent; and
- (2) In accordance with the specific instructions of the owner, and that is not distributed.”

SECTION 5. Section 144-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

- “(e) If a commercial, custom-mixed, or toll-milled feed contains a:
- (1) ~~[a nonnutritive]~~ Nonnutritive substance ~~[which] that~~ is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or ~~[which]~~ is intended to affect the structure or any function of the animal body; or
 - (2) ~~[a food]~~ Food additive,

the department may require the label of the commercial or toll-milled feed^[-] or the invoice of the custom-mixed feed to show the amount present, directions for use, or warnings against misuse.”

SECTION 6. Section 279L-1, Hawaii Revised Statutes, is amended by amending the definition of “peer-to-peer car-sharing program” to read as follows:

““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]~~ a transportation network company as defined in section 431:10C-701^[-];
- (2) ~~A]~~ a car-sharing organization as defined in section 251-1^[-];
- (3) ~~Any]~~ any person registered and acting as a travel agency pursuant to chapter 468L^[-]; ~~or~~
- (4) ~~Any]~~ or any person registered and acting as an activity desk pursuant to chapter 468M.”

SECTION 7. Section 291C-32, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) Green indication:
 - (A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless prohibited by a sign at the place ~~[prohibits either such turn]~~. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time ~~[such]~~ the signal is exhibited.
 - (B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by ~~[such]~~ the arrow^[-] or ~~[such]~~ to make other movement ~~[as]~~ that is permitted by other indications shown at the same time. ~~[Such]~~ The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (C) Unless otherwise directed by a pedestrian-control signal~~[,]~~ as provided in section 291C-33, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow indication:
 - (A) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (3) Steady red indication:
 - (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line~~[, but]~~ or, 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.]~~ subparagraphs (B) and (C).
 - (B) The driver of a vehicle ~~[which]~~ 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]~~ the 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]~~ the intersection giving notice thereof.
 - (C) The driver of a vehicle on a one-way street ~~[which]~~ 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]~~ the one-way street, but shall yield right-of-way to pedestrians~~[,]~~ proceeding as directed by the signal at ~~[said]~~ the intersection, except that counties by ordinance may prohibit any ~~[such]~~ left turn ~~[as above described]~~ against a steady red indication, which ordinance shall be effective when a sign is erected at ~~[such]~~ the intersection giving notice thereof.
 - (D) Unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, pedestrians facing a steady red signal alone shall not enter the roadway.”

2. By amending subsection (c) to read:

“(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, 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 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]~~ or, 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.]~~ subparagraphs (B) and (C).

- (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]~~ the 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]~~ the 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]~~ the one-way street, but shall yield right-of-way to pedestrians~~[-]~~ proceeding as directed by the signal at ~~[said]~~ the intersection, except that counties by ordinance may prohibit any ~~[such]~~ left turn ~~[as above described]~~ against a steady red indication, which ordinance shall be effective when a sign is erected at ~~[such]~~ the 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 8. Section 327-38, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) As used in this section:

"Dead human body" means:

- (1) An individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem; provided that the determination of death be made in accordance with accepted medical standards; and
- (2) Includes plastinated human bodies or remains, including tissue, organs, and other body parts, that are preserved from decay by replacing the water and fats in the human remains with a polymer.

"Museum facility" means a public or private nonprofit institution that:

- (1) Is accredited by the American ~~[Association]~~ Alliance of Museums or is part of an accredited college or university;
- (2) Is organized on a permanent basis for essentially educational or aesthetic purposes; and
- (3) Owns or uses tangible objects, cares for those objects, and exhibits them to the general public on a regular basis."

SECTION 9. Section 328-19.1, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Wherever the director determines that rules or regulations containing prohibitions or requirements other than those prescribed by subsection (a) ~~[of this section]~~ are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, the director shall ~~[promulgate]~~ adopt rules or regulations with respect to that commodity ~~[regulations effective]~~ to:

- (1) Establish and define standards for the characterization of the size of a package enclosing any consumer commodity, which may be used to supplement the label statement of net quantity of contents of packages containing ~~[such] that~~ commodity ~~[but]~~; provided that this paragraph shall not be construed as authorizing any limitation on the size, shape, weight, dimensions, or number of packages ~~[which] that~~ may be used to enclose any commodity;
- (2) Regulate the placement upon any package containing any commodity, or upon any label affixed to ~~[such] that~~ commodity, of any printed matter stating or representing by implication that ~~[such] the~~ commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to purchasers thereof by reason of the size of that package or the quantity of its contents;
- (3) Require that the label on each package of a consumer commodity bear:
 - (A) ~~[the]~~ The common or usual name of ~~[such] the~~ consumer commodity, if any~~[-]~~; and
 - (B) ~~[in]~~ In case ~~[such] the~~ consumer commodity consists of two or more ingredients, the common or usual name of each ~~[such]~~ ingredient listed in order of decreasing predominance~~[-but]~~; provided that nothing in this paragraph shall be deemed to require that any trade secret be divulged; or
- (4) Prevent the nonfunctional slack-fill of packages containing consumer commodities.

For the purposes of ~~[clause]~~ paragraph (4) ~~[of this subsection]~~, a package shall be deemed to be nonfunctionally slack-filled if it is filled to substantially less than its capacity for reasons other than ~~[(A)]~~ protection of the contents of ~~[such] the~~ package or ~~[(B)]~~ the requirements of machines used for enclosing the contents in ~~[such packages.]~~ that type of package.”

SECTION 10. Section 342L-30, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Subsections (a) to (c) shall not apply to tanks or tank systems for which notice was given pursuant to section 103(c) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law ~~[96-516;]~~ 96-510, as amended.”

SECTION 11. Section 421J-16, Hawaii Revised Statutes, is amended to read as follows:

“**§421J-16 Medical cannabis; discrimination.** A provision in any association document allowing for any of the discriminatory practices listed in ~~[paragraphs (1) to (7) of]~~ section ~~[515-3]~~ 515-3(a)(1) to (7) against a person residing in a unit who has a valid certificate for the medical use of cannabis as provided in section 329-123 in any form is void, unless the association document prohibits the smoking of tobacco and the medical cannabis is used by means of smoking. Nothing ~~[herein]~~ in this section shall be construed to diminish the obligation of a planned community association to provide reasonable accommodations for persons with disabilities pursuant to section ~~[515-3(9);]~~ 515-3(a)(9).”

SECTION 12. Section 514B-113, Hawaii Revised Statutes, is amended to read as follows:

“§514B-113 Medical cannabis; discrimination. A provision in any articles of incorporation, declaration, bylaws, administrative rules, house rules, or association documents of a condominium allowing for any of the discriminatory practices listed in ~~[paragraphs (1) to (7) of]~~ section ~~[515-3]~~ 515-3(a)(1) to (7) against a person residing in a unit who has a valid certificate for the medical use of cannabis as provided in section 329-123 in any form is void, unless the documents prohibit the smoking of tobacco and the medical cannabis is used by means of smoking. Nothing ~~[herein]~~ in this section shall be construed to diminish the obligation of a condominium association to provide reasonable accommodations for persons with disabilities pursuant to section ~~[515-3(9)-]~~ 515-3(a)(9).”

SECTION 13. Act 250, Session Laws of Hawaii 2022, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval~~[-, and shall be repealed];~~ provided that on June 30, 2027[-], this Act shall be repealed and section 346-7.5(e), 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 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.
(Approved April 19, 2023.)

ACT 18

S.B. NO. 1372

A Bill for an Act Relating to the Executive Office on Aging.

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

SECTION 1. The purpose of this Act is to clarify the definitions of “caregiver support services”, “kupuna care services”, and “respite care”.

SECTION 2. Section 349-16, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “caregiver support services” to read:

““Caregiver support services” means services that offer education, skills, knowledge, or mental, emotional, or social support to caregivers or employed caregivers.”
2. By amending the definition of “kupuna care services” to read:

““Kupuna care services” means[
~~(1) Services]~~ services for the care recipient, caregiver, or employed caregiver, including:
~~[(A)]~~ (1) Adult day care;
~~[(B)]~~ Respite care; and
~~[(C)]~~ Caregiver support services;
~~(2) Services for the care recipient, including:~~
~~(A)]~~ (2) Attendant care;
~~(3) Assisted transportation;~~
~~(4) Caregiver support services;~~
~~[(B)]~~ (5) Case management;

- ~~[(C)]~~ (6) Care coordination;
- ~~[(D)]~~ (7) Chore;
- ~~[(E)]~~ (8) Homemaker;
- ~~[(F)]~~ (9) Home-delivered meals;
- ~~[(G)]~~ (10) Personal care;
- ~~[(H)]~~ (11) Transportation;
- ~~[(I)] Assisted transportation;~~ or
- ~~[(J)] Respite care for employed caregivers.]~~

(12) Respite care.”

3. 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 caregivers or employed caregivers. “Respite care” includes:

- (1) In-home respite (personal care, homemaker, 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 caregiver or employed caregiver; and
- (4) Any combination of services to assist the caregiver or employed caregiver as deemed appropriate by the area agency on aging.”

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 19, 2023.)

ACT 19

S.B. NO. 1513

A Bill for an Act Relating to Public Agency Meetings.

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

SECTION 1. Section 92-4, Hawaii Revised Statutes, is amended to read as follows:

“**§92-4 Executive meetings.** (a) A board may hold an executive meeting that is closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the board is entitled. A meeting closed to the public shall be limited to matters exempted by section 92-5. The reason for holding such a meeting shall be publicly announced and the vote of each member on the question of holding a meeting that is closed to the public shall be recorded[;] and entered into the minutes of the meeting.

(b) Any discussion or final action taken by a board in an executive meeting shall be reported to the public when the board reconvenes in the open meeting at which the executive meeting is held; provided that in describing the discussion or final action taken by the board:

- (1) The information reported shall not be inconsistent with the purpose for which the executive meeting was convened pursuant to section 92-5, including matters affecting the privacy of individuals; and

- (2) The board may maintain confidentiality for the information described in paragraph (1) for as long as disclosure would defeat the purpose of convening the executive meeting.”

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, 2023.

(Approved April 19, 2023.)

ACT 20

H.B. NO. 138

A Bill for an Act Relating to Mandatory Lobbyist Training.

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

SECTION 1. The legislature finds that requiring all lobbyists to be educated on the State’s lobbying laws and ethics code is in the State’s best interests. Regular training by the state ethics commission will ensure that all persons engaged in lobbying activities are aware of current laws, which will increase the public’s confidence in state government.

Accordingly, the purpose of this Act is to improve standards of conduct by requiring the state ethics commission to establish and administer a lobbyist training course and making the lobbyist training course mandatory for all lobbyists who are required to register under chapter 97, Hawaii Revised Statutes.

SECTION 2. Chapter 97, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§97- Mandatory lobbyist training. (a) Before registering pursuant to section 97-2, each lobbyist shall complete the lobbyist training course administered by the state ethics commission.

(b) Registered lobbyists shall repeat the lobbyist training course required by this section at least once every two years.

(c) A lobbyist shall certify completion of the lobbyist training course at the time of registering or renewing registration and shall maintain all certificates or other documentation of completion for a period of six years from the date of registration or renewal.

(d) For good cause shown, the state ethics commission may grant a lobbyist an extension of time to complete the training course required by this section.

(e) The state ethics commission shall develop and conduct online and live training courses that explain state lobbying laws under this chapter and relevant ethics laws under chapter 84. Live training courses may be conducted in person or via videoconference, as necessary, to accommodate all persons who are required to complete the course.”

SECTION 3. Section 97-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) Each lobbyist shall provide and certify the following [information]:
- (1) The name, mailing address, and business telephone number of the lobbyist[-];
 - (2) The name and principal place of business of each person by whom the lobbyist is retained or employed or on whose behalf the lobbyist

ACT 21

appears or works and a written authorization to act as a lobbyist from each person by whom the lobbyist is employed or with whom the lobbyist contracts[-];

- (3) The subject areas on which the lobbyist expects to lobby[-]; and
- (4) Documentation confirming the lobbyist's completion of the mandatory lobbyist training course pursuant to section 97- .”

SECTION 4. Section 97-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person who:

- (1) Negligently fails to file any statement or report required by this chapter;
- (2) Negligently files a statement or report containing false information or material omission of any fact;
- (3) Engages in activities prohibited by section 97-5; or
- (4) Fails to provide information required by section 97-2, including documentation confirming completion of the mandatory lobbyist training course, or 97-3;

shall be subject to an administrative fine imposed by the state ethics commission that shall not exceed \$1,000 for each violation of this chapter. All fines collected under this section shall be deposited into the general fund.”

SECTION 5. In the absence of good cause shown, each lobbyist who is registered with the state ethics commission as of the effective date of this Act shall complete the lobbyist training course required by section 2 of this Act, within six months following the effective date of this Act, and at least once every two years thereafter.

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 April 19, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 21

S.B. NO. 438

A Bill for an Act Relating to Professional and Vocational Licensing.

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

SECTION 1. Section 436B-9, Hawaii Revised Statutes, is amended to read as follows:

“**§436B-9 Action on applications; abandoned applications.** (a) Unless otherwise provided by law, each licensing authority shall take the following actions within one year after the filing of a complete application for licensure:

- (1) If it deems appropriate, conduct an investigation of the applicant; and
- (2) Notify the applicant in writing by mail of the decision regarding the application for licensure[-] addressed to the applicant's last address

on file with the licensing authority. If the application has been denied, written notice of the decision shall state specifically the reason for denying the application and shall inform the applicant of the right to a hearing under chapter 91.

~~(b) An [application] applicant whose application for license is incomplete shall be considered to [be] have abandoned the application if [an applicant fails to provide evidence of continued efforts to complete the licensing process for two consecutive years; provided that the failure to provide evidence of continued efforts includes but is not limited to:~~

~~(1) Failure to submit the required documents and other information requested by the licensing authority within two consecutive years from the last date the documents or other information were requested; or~~

~~(2) Failure to provide the licensing authority with any written communication during two consecutive years indicating that the applicant is attempting to complete the licensing process, including but not limited to attempting to complete the examination requirement; and~~

~~provided further that the licensing authority may extend the above time periods by rule. The licensing authority shall not be required to act on any abandoned application, and the application may be destroyed by the licensing authority or its delegate. If the application is deemed abandoned by the licensing authority, the applicant shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of reapplication.];~~

~~(1) The licensing authority mails a written notice to the applicant, addressed to the applicant's last address on file with the licensing authority, notifying the applicant that the application is incomplete; and~~

~~(2) The applicant fails to submit all required documents, data, and information to the licensing authority within one year from the date of the licensing authority's written notice to the applicant.~~

~~(c) An applicant whose application for examination has been approved shall be considered to have abandoned the application if:~~

~~(1) The licensing authority mails a written notice to the applicant, addressed to the applicant's last address on file with the licensing authority, notifying the applicant that the applicant's application for examination has been approved; and~~

~~(2) The applicant fails to take the examination within one year from the date of the licensing authority's written notice to the applicant.~~

~~(d) If the licensing authority rejects an applicant's application for examination on the basis that the application is deficient, the licensing authority shall mail a written notice to the applicant, addressed to the applicant's last address on file with the licensing authority, notifying the applicant of the rejection. An applicant whose application for examination has been rejected shall be considered to have abandoned the application if the applicant fails to:~~

~~(1) Within one year from the date of the licensing authority's written notice of rejection, submit evidence that all deficiencies specified in the licensing authority's written notice have been corrected; and~~

~~(2) Take the examination within a one-year period from the date of the licensing authority's written notice to the applicant that the applicant is eligible to take the examination.~~

~~(e) Submission of additional data, requests for reconsideration or re-evaluation, or other inquiries or statements involving an application shall not extend the respective time periods specified in subsections (b), (c), and (d).~~

(f) The licensing authority shall not be required to act on any abandoned application, and the abandoned application may be destroyed by the licensing authority or its delegate. An application submitted subsequent to an abandoned application shall be treated as a new application. The applicant shall comply with all applicable licensing requirements in effect at the time the new application is submitted.”

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 19, 2023.)

ACT 22

H.B. NO. 823

A Bill for an Act Relating to Deaths Within the Correctional System.

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

SECTION 1. Section 353-40, Hawaii Revised Statutes, is amended to read as follows:

~~“[§353-40]~~ **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 or while on duty at a correctional facility or community correctional center where Hawaii inmates reside; or
 - (B) Sustains an injury on the grounds of or while on duty at 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]~~ by or under the care and custody of:
 - (A) A state or contracted correctional facility[.]; or
 - (B) An agent of a state or contracted correctional facility.

Within seven days of the director’s submission of the report to the governor, the department shall post a copy of the report on its public website.

- (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).] When the official cause of death has been determined, 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.~~ that shall include the following information:

- (1) The clinical mortality review conducted in response to the death, including correctional actions to be taken;
- (2) The official cause of death; and
- (3) Any indication of sexual assault leading to the death.
- (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.]~~ The information specified in subsection (c)(2) and (3) shall be open to public inspection, unless:
 - (1) Any federal or state law protects the information from disclosure; provided that the report shall cite the applicable federal or state law; or
 - (2) The disclosure of the information would materially impair an ongoing criminal investigation.”

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 19, 2023.)

ACT 23

H.B. NO. 1344

A Bill for an Act Relating to Anger Management.

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

SECTION 1. Section 586-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) When a temporary restraining order is granted and the respondent or person to be restrained knows of the order, a knowing or intentional violation of the restraining order is a misdemeanor. A person convicted under this section shall ~~[undergo domestic violence intervention]~~ be ordered by the court to complete an assessment at any available domestic violence program ~~[as ordered by the court.]~~ and shall complete a domestic violence intervention or anger management course as determined by the domestic violence program. The court additionally shall sentence a person convicted under this section as follows:

- (1) Except as provided in paragraph (2), for a first conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of forty-eight hours and be fined ~~[not]~~ no less than \$150 nor more than \$500; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
- (2) For a first conviction for a violation of the temporary restraining order, if the person has a prior conviction for any of the following felonies:

- (A) Section 707-701 relating to murder in the first degree;
- (B) Section 707-701.5 relating to murder in the second degree;
- (C) Section 707-710 relating to assault in the first degree;
- (D) Section 707-711 relating to assault in the second degree;
- (E) Section 707-720 relating to kidnapping;
- (F) Section 707-721 relating to unlawful imprisonment in the first degree;
- (G) Section 707-730 relating to sexual assault in the first degree;
- (H) Section 707-731 relating to sexual assault in the second degree;
- (I) Section 707-732 relating to sexual assault in the third degree;
- (J) Section 707-733.6 relating to continuous sexual assault of a minor under the age of fourteen years;
- (K) Section 707-750 relating to promoting child abuse in the first degree;
- (L) Section 708-810 relating to burglary in the first degree;
- (M) Section 708-811 relating to burglary in the second degree;
- (N) Section 709-906 relating to abuse of family or household members; or
- (O) Section 711-1106.4 relating to aggravated harassment by stalking;

and if any of these offenses has been committed against a family or household member as defined in section 586-1, the person shall serve a mandatory minimum term of imprisonment of fifteen days and be fined ~~[not]~~ no less than \$150 nor more than \$600; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~ and

- (3) For the second and any subsequent conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of thirty days and be fined ~~[not]~~ no less than \$250 nor more than \$1,000;

provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

The court may suspend any jail sentence, except for the mandatory sentences under paragraphs (1), (2), and (3) upon condition that the defendant remain alcohol- and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor.”

SECTION 2. Section 586-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or intentionally violates the order for protection [is] shall be guilty of a misdemeanor. A person convicted under this section shall ~~[undergo domestic violence intervention]~~ be ordered by the court to complete an assessment at any available domestic violence program ~~[as ordered by the court.]~~ and shall complete a domestic violence intervention or anger management course as determined by the domestic vio-

lence program. The court additionally shall sentence a person convicted under this section as follows:

- (1) For a first conviction for violation of the order for protection:
 - (A) That is in the nature of non-domestic abuse, the person may be sentenced to a jail sentence of forty-eight hours and be fined ~~[not] no~~ more than \$150; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~ or
 - (B) That is in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ less than \$150 nor more than \$500; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
- (2) For a second conviction for violation of the order for protection:
 - (A) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ more than \$250; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
 - (B) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than thirty days and be fined ~~[not] no~~ less than \$250 nor more than \$1,000; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
 - (C) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ more than \$250; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~ or
 - (D) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that is in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ more than \$150; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~ and
- (3) For any subsequent violation that occurs after a second conviction for violation of the same order for protection, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000;

provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

The court may suspend any jail sentence under subparagraphs (1)(A) and (2)(C), upon condition that the defendant remain alcohol- and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor offense. All remedies for the enforcement of judgments shall apply to this chapter.”

SECTION 3. Section 586-13, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§586-13]]~~ **Domestic violence intervention[-]; anger management.** Notwithstanding chapter 706 or any other law to the contrary, any sentence for a domestic violence intervention or anger management course specified by section 586-4 or section 586-11 shall be imposed by the court, with or without probation.”

SECTION 4. Section 709-906, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (7) to read:

“(7) Whenever a court sentences a person or grants a motion for deferral pursuant to subsections (5) and (6), it shall also ~~[shall]~~ require that the offender first complete, within a specified time frame, an assessment at any available domestic violence intervention [programs,] program, and then complete a domestic violence intervention or anger management course as determined by the domestic violence program, and, if the offense involved the presence ~~[of]~~ or abuse of a minor, any available parenting classes ordered by the court. The court shall revoke the defendant’s probation or set aside the defendant’s deferred acceptance of guilty plea and enter an adjudication of guilt, if applicable, and sentence or resentence the defendant to the maximum term of incarceration if:

- (a) The defendant fails to complete, within the specified time frame, any domestic violence intervention ~~[programs]~~ course, anger management course, or parenting classes ordered by the court; or
- (b) The defendant violates any other term or condition of the defendant’s probation or deferral imposed by the court;

provided that, after a hearing on an order to show cause, the court finds that the defendant has failed to show good cause why the defendant has not timely completed the domestic violence intervention ~~[programs]~~ course, anger management course, or parenting classes, if applicable, or why the defendant violated any other term or condition of the defendant’s sentence. However, the court may suspend any portion of a jail sentence, except for the mandatory sentences under subsection (5)(a) and (b), upon the condition that the defendant remain arrest-free and conviction-free or complete court-ordered intervention.”

2. By amending subsection (17) to read:

“(17) When a person is ordered by the court to complete any domestic violence intervention ~~[programs]~~ course, anger management course, or parenting classes, that person shall provide adequate proof of compliance with the court’s order. The court shall order a subsequent hearing at which the person is required to make an appearance, on a date certain, to determine whether the person has completed the ordered domestic violence intervention ~~[programs]~~ course, anger management course, or parenting classes. The court may waive the subsequent hearing and appearance where a court officer has established that the person has completed the intervention ordered by the court.”

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 upon its approval; provided that the amendments made to section 709-906, Hawaii Revised Statutes, by section 3 of this Act shall not be repealed when that section is reenacted on June 30, 2026, pursuant to:

- (1) Section 15 of Act 19, Session Laws of Hawaii 2020; and
- (2) Section 4 of Act 238, Session Laws of Hawaii 2021.

(Approved April 19, 2023.)

Note

1. So in original.

ACT 24

S.B. NO. 422

A Bill for an Act Relating to the Environmental Advisory Council.

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

SECTION 1. The legislature finds that Act 152, Session Laws of Hawaii 2021 (Act 152), administratively transferred the environmental advisory council from the department of health to the office of planning and sustainable development. In doing so, sections 341-3 and 341-4, Hawaii Revised Statutes, were repealed. However, section 341-6, Hawaii Revised Statutes, which sets out the functions of the environmental council, still references one of the sections repealed by Act 152.

Accordingly, the purpose of this Act is to make a housekeeping amendment to section 341-6, Hawaii Revised Statutes.

SECTION 2. Section 341-6, Hawaii Revised Statutes, is amended to read as follows:

“§341-6 Functions of the environmental advisory council. The environmental advisory council shall serve as a liaison between the office of planning and sustainable development and the general public by soliciting information, opinions, complaints, recommendations, and advice concerning ecology and environmental quality through public hearings or any other means and by publicizing such matters as requested by the director [~~pursuant to section 341-4(b)(3)~~]. The environmental advisory council may make recommendations concerning ecology and environmental quality to the office of planning and sustainable development and shall meet at the call of the council chairperson or the director of the office of planning and sustainable development upon notifying the council chairperson. The environmental advisory council shall monitor the progress of state, county, and federal agencies in achieving the State’s environmental goals and policies and shall submit its report and recommendations for improvements concerning ecology and environmental quality to the office of planning and sustainable development, which shall include the report and recommendations in its annual report to the legislature. All state and county agencies shall cooperate with the council by responding to its requests for information.”

ACT 25

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

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

(Approved April 19, 2023.)

ACT 25

H.B. NO. 1109

A Bill for an Act Relating to Commercial Driver Licensing.

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

SECTION 1. Section 286-240, Hawaii Revised Statutes, is amended to read as follows:

“**§286-240 Disqualification, cancellation, and downgrade.** (a) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for a period of no less than one year if convicted of a first violation of:

- (1) Driving a motor vehicle under the influence of alcohol, a controlled substance, or any drug that impairs driving ability;
- (2) Driving a commercial motor vehicle while the alcohol concentration of the driver’s blood is 0.04 or more grams of alcohol per two hundred ten liters of breath or 0.04 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood;
- (3) Refusing to submit to a test to determine the driver’s alcohol concentration while driving a motor vehicle as required under sections 286-243 and 291E-11;
- (4) Using a motor vehicle in the commission of any felony;
- (5) Leaving the scene of an accident involving the motor vehicle driven by the person;
- (6) Unlawful transportation, possession, or use of a controlled substance while on duty;
- (7) Driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver’s commercial driver’s license or commercial learner’s permit is revoked, suspended, or canceled, or the driver is otherwise disqualified from operating a commercial motor vehicle; or
- (8) Causing a fatality through the operation of a commercial motor vehicle, including through the commission of the crimes of manslaughter and negligent homicide in any degree.

(b) The examiner of drivers shall disqualify any person for a period of no less than three years for any conviction of a violation of any offense listed in subsection (a) that is committed while a hazardous material required to be placarded under title 49 Code of Federal Regulations, part 172, subpart F, is being transported.

(c) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for life if the person is convicted two or more times for any of the offenses listed in subsection (a).

(d) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of any felony involving the manufacturing, distributing, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for a period of no less than sixty days if the person is

convicted of two serious traffic violations, or one hundred twenty days if the person is convicted of three serious traffic violations; provided that the violations are committed in a commercial motor vehicle and arise from separate incidents occurring within a three-year period. The one hundred twenty-day disqualification period required for a third conviction within three years of a serious traffic violation, as defined in section 286-231, shall be in addition to any other previously imposed period of disqualification. The disqualification periods specified in this subsection shall also apply to offenses committed while operating a non-commercial motor vehicle only if the conviction for the offense results in the revocation, cancellation, or suspension of the driver's license.

(f) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle or from resubmitting an application for a period of no less than sixty days if the examiner of drivers finds that a commercial driver's license or a commercial learner's permit holder or applicant for a commercial driver's license or commercial learner's permit has falsified information or failed to report or disclose required information either before or after issuance of a commercial driver's license or a commercial learner's permit.

(g) If the examiner of drivers receives credible information that a commercial driver's license or commercial learner's permit holder is suspected, but has not been convicted, of fraud related to the issuance of the commercial driver's license or commercial learner's permit, the examiner of drivers shall require the driver to re-take the skills or knowledge tests, or both. Within thirty days of receiving notification from the examiner of drivers that re-testing is necessary, the affected commercial driver's license or commercial learner's permit holder shall make an appointment or otherwise schedule to take the next available test:

- (1) If the commercial driver's license or commercial learner's permit holder fails to make an appointment within thirty days, the examiner of drivers shall disqualify the commercial driver's license or commercial learner's permit indefinitely until the applicant reapplies; or
- (2) If the driver fails either the knowledge or skills test or does not take the test, the examiner of drivers shall disqualify the commercial driver's license or commercial learner's permit indefinitely until the applicant reapplies. Once a commercial driver's license or commercial learner's permit holder's commercial driver's license or commercial learner's permit has been disqualified, the driver or learner shall reapply for a commercial driver's license or commercial learner's permit under state procedures applicable to all commercial driver's license or commercial learner's permit applicants.

(h) The examiner of drivers shall invalidate the commercial driver's license or commercial learner's permit of a person who has been convicted of fraud relating to the issuance of that commercial driver's license or commercial learner's permit, as well as the application of a person so convicted who seeks to renew, transfer, or upgrade the fraudulently obtained commercial driver's license or commercial learner's permit for a period of no less than one year.

~~(g)~~ (i) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for a period of no less than one hundred eighty days and no more than one year for a first violation, for at least two years and no more than five years for a second violation, and at least three years and no more than five years for a third or subsequent violation of a driver or vehicle out-of-service order committed in a commercial motor vehicle transporting non-hazardous materials arising from separate incidents occurring within a ten-year period.

~~(h)~~ (j) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for a period of no less than one hundred eighty

days and no more than two years for a first violation and for at least three years and no more than five years for any subsequent violation of a driver or vehicle out-of-service order committed in a commercial motor vehicle transporting hazardous materials required to be placarded under title 49 Code of Federal Regulations, part 172, subpart F, or designed to transport sixteen or more occupants including the driver; provided that each violation arises from separate incidents occurring within a ten-year period.

~~[(+)]~~ (k) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle for a period of no less than sixty days if the person is convicted of a first violation, no less than one hundred twenty days if the person is convicted of a second violation during any three-year period, and no less than one year if the person is convicted of a third or subsequent violation during any three-year period of a federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing:

- (1) For all drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;
- (2) For all drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;
- (3) For all drivers who are always required to stop, failing to stop before driving onto the crossing;
- (4) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;
- (5) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or
- (6) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

~~[(+)]~~ (l) The examiner of drivers shall disqualify any person from driving a commercial motor vehicle if the driver's driving is determined to constitute an imminent hazard, as defined in section 286-231 and in accordance with the provisions of title 49 Code of Federal Regulations section 383.52.

~~[(+)]~~ (m) Beginning January 30, 2014, if a driver fails to provide the examiner of drivers with the certification required under title 49 Code of Federal Regulations section 383.71(b)(1) or a current medical examiner's certificate if the driver self-certifies according to title 49 Code of Federal Regulations section 383.71(b)(1)(i) that the driver is operating in non-excepted interstate commerce as required by title 49 Code of Federal Regulations section 383.71(h), the examiner of drivers shall mark the commercial driver's license information system driver record as not-certified and initiate a commercial driver's license downgrade.

~~[(+)]~~ (n) The examiner of drivers shall permanently disqualify any person from driving a commercial motor vehicle for life without the possibility of reinstatement, if the person uses a commercial motor vehicle in the commission of any felony involving severe forms of trafficking in persons.

~~[(+)]~~ (o) As used in this section:

"Commercial sex act" means any sex act on account of which anything of value is given to or received by any person.

"Severe forms of trafficking in persons" means either sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform ~~[such]~~ the act has not attained eighteen years of age; or the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."

SECTION 2. Section 286-241, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) After disqualifying a person, or suspending, revoking, canceling, or marking a medical certification status as not-certified for a commercial driver’s license or [a] commercial learner’s permit, the examiner of drivers shall update all records to reflect that action within ten days. Any disqualification imposed in accordance with section [~~286-240(j)~~] 286-240(l) and transmitted by the Federal Motor Carrier Safety Administration shall become a part of the driving record. After suspending, revoking, or canceling a [~~non-domiciled~~] commercial driver’s license or commercial learner’s permit, the examiner of drivers shall notify the licensing authority of the state that issued the commercial driver’s license or commercial learner’s permit within ten days. The notification shall include information regarding any disqualification and the violation or violations that resulted in the disqualification, revocation, suspension, or cancellation.”

SECTION 3. Section 286-249, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A driver who is convicted of violating an out-of-service order shall be fined [~~not~~] no less than \$2,500 nor more than \$4,000 for a first conviction and [~~not~~] no less than \$5,000 nor more than \$7,500 for a second or subsequent conviction, in addition to the driving disqualification of subsection (a)(1) and section [~~286-240(g)~~] 286-240(i) and [~~(h)~~] (j).”

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 19, 2023.)

ACT 26

H.B. NO. 1107

A Bill for an Act Relating to Commercial Motor Vehicle Weight Limits.

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

SECTION 1. Section 291-35, Hawaii Revised Statutes, is amended to read as follows:

“**§291-35 Gross weight, axle, and wheel loads.** No motor vehicle or other power vehicle or combination of those vehicles equipped wholly with pneumatic tires shall be operated or moved upon any public road, street, or highway within the State if the vehicle or combination of vehicles has a total gross weight (including vehicle and load), an axle load, or a wheel load in excess of the limits set forth in this section; provided that the maximum gross weight, axle loads, and wheel loads allowed under this section shall be inapplicable when its application would adversely affect the receipt of federal funds for highway purposes; [~~and~~] provided further that no vehicle or combination of vehicles shall be operated on or moved over any bridge or other highway structure if the total gross weight, including vehicle and load, exceeds the posted maximum gross load limitation for the bridge or other highway structure.

- (1) The total gross weight, in pounds, imposed on any public road, street, or highway within the State by any group of two or more consecutive axles, on a vehicle or combination of vehicles shall not

exceed the following when the distance between the first and last axles of the group under consideration is:

- (A) Forty inches or less, the weight imposed shall not exceed ~~[twenty-two thousand five hundred]~~ twenty thousand pounds; and
 - (B) More than forty inches but ~~[not]~~ no more than ~~[eight feet, ninety-six inches,~~ ninety-six inches, the weight imposed shall not exceed thirty-four thousand pounds. This grouping of two consecutive axles shall be known as tandem axle.
- (2) The total gross weight, in pounds, imposed on ~~[interstate highways]~~ any public road, street, or highway within the State by any group of two or more consecutive axles, on a vehicle or combination of vehicles shall not exceed that resulting from application of the formula:

$$W = 500 (LN/(N-1) + 12N + 36)$$

when the distance between the first and last axles of the group under consideration is over ~~[eight feet]~~ ninety-six inches and where

W = maximum weight in pounds carried on any group of two or more axles computed to the nearest five hundred pounds,

L = Distance in feet between the extremes of any group of two or more consecutive axles, to the nearest foot, and

N = Number of axles in the group under consideration;

provided that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of ~~[such]~~ the consecutive sets of tandem axles is thirty-six feet or more and provided also that the overall gross weight does not exceed eighty thousand pounds.

- [(3) The total gross weight, in pounds, imposed on any public road, street, or highway, other than interstate highways, within the State by a vehicle or combination of vehicles shall not exceed that determined by the formula:

$$W = 900 (L + 40)$$

when the distance between the first and last axles of the group under consideration is over eight feet and where W = maximum weight in pounds carried on any group of two or more axles computed to the nearest five hundred pounds and

L = Distance in feet between the extremes of any group of two or more consecutive axles, to the nearest foot;

~~provided also that the overall gross weight does not exceed eighty-eight thousand pounds.]~~

- [(4) (3) No vehicle or combination of vehicles shall be used or operated on any public road, street, or highway within the State~~[-]~~ with:
- (A) ~~[With a]~~ A load upon any single or tandem axle or combination of axles that exceeds the carrying capacity of the axles specified by the manufacturer; or
 - (B) ~~[With a]~~ A total weight in excess of its designed capacity as indicated by its designed gross vehicle weights or gross combination weights.

- [(5) (4) The total gross weight imposed upon the public road, street, or highway by any single axle shall not exceed ~~[twenty-two thousand five hundred]~~ twenty thousand pounds. For the purpose of this section, axles placed in the same transverse plane and spaced forty inches or less apart shall be considered as one axle.

- [~~(6)~~] (5) The total gross weight imposed upon the public road, street, or highway by any one wheel, either single or dual mounting, shall not exceed [~~11,250~~] ten thousand pounds.
- [~~(7)~~] (6) The director of transportation, in the case of state highways, or the county engineer, in the case of county roads and streets, may place and maintain signs to limit the gross weight of a vehicle or combination of vehicles traveling over a bridge or other highway structure in the interest of public safety when it is determined through engineering investigation and analysis that the theoretical load carrying capacity of the bridge or structure is less than the maximum gross vehicular weight allowed by this chapter. In determining the weight limits and in posting the weight limit signs, the director or the county engineer need not comply with rulemaking provisions of chapter 91; provided that if any person objects to the weight limits, the person may object to the rule as provided in 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 19, 2023.)

ACT 27

H.B. NO. 841

A Bill for an Act Relating to Domestic Abuse Protective Orders.

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

SECTION 1. The legislature finds that when a parent seeks a domestic abuse restraining order against another parent or household member for allegations of domestic abuse, the law requires a referral to the department of human services for intervention or investigation by the child welfare services branch. The legislature further finds that the law is unnecessarily broad and overburdens the child welfare services branch. Automatic referrals should be limited to allegations of child abuse. The legislature notes that the family court currently has the authority, at its discretion, to refer a case to the department of human services where investigation is warranted to ensure the family’s safety.

Accordingly, the purpose of this Act is to amend the automatic referral requirements regarding domestic abuse protective orders to apply only when there are allegations of alleged child abuse.

SECTION 2. Section 586-10.5, Hawaii Revised Statutes, is amended to read as follows:

“§586-10.5 Reports by the department of human services; court responsibilities. In cases where there are allegations of [~~domestic~~] child abuse or neglect, as defined in section 350-1, involving a family or household member who is a minor or an incapacitated person as defined in section 560:5-102, the employee or appropriate nonjudicial agency designated by the family court to assist the petitioner shall report the matter to the department of human services, as required under chapters 350 and 587A, and [~~shall~~] further notify the department of the granting of the temporary restraining order and of the hearing date. The department of human services shall provide the family court with a written

report on the disposition of the referral. The court shall file the report and mail it to the petitioner and respondent at least two working days before the hearing date, if possible. If circumstances prevent the mailing of the report as required in this section, the court shall provide copies of the report to the petitioner and respondent at the hearing. The report shall be noted in the order dismissing the petition or granting the restraining order.”

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 19, 2023.)

ACT 28

H.B. NO. 426

A Bill for an Act Relating to Firearms.

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

SECTION 1. Chapter 134, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . FIREARM INDUSTRY RESPONSIBILITY”

§134-A Definitions. As used in this part:

“Firearm accessory” means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of the firearm, the lethality of the firearm, or a shooter’s ability to hold or use a firearm.

“Firearm industry member” means a person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products.

“Firearm precursor part” means any forging, casting, printing, extrusion, machined body, or similar article that has reached a state in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted.

“Firearm-related product” means a firearm, ammunition, a firearm precursor part, a firearm component, or a firearm accessory that meets any of the following conditions:

- (1) The item is sold, made, or distributed in the State;
- (2) The item is intended to be sold or distributed in the State; or
- (3) The item is or was possessed in the State and it was reasonably foreseeable that the item would be possessed in the State.

“Reasonable controls” means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following:

- (1) Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under federal or state law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves

- or another or of possessing or using a firearm-related product unlawfully;
- (2) Prevent the loss or theft of a firearm-related product from the firearm industry member; and
 - (3) Ensure that the firearm industry member complies with all provisions of federal or state law and does not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product.

§134-B Firearm industry members; standards of conduct. (a) It shall be a violation of this part for a firearm industry member to fail to comply with any requirement of this part.

- (b) A firearm industry member shall:
 - (1) Establish, implement, and enforce reasonable controls;
 - (2) Take reasonable precautions to ensure that the firearm industry member does not sell, distribute, or provide to a downstream distributor a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in the State; and
 - (3) Not engage in any conduct related to the sale or marketing of firearm-related products that is in violation of this chapter.
- (c) For the purposes of this part, a firearm-related product shall not be considered abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety based on a firearm's inherent capacity to cause injury or lethal harm.
- (d) There shall be a presumption that a firearm-related product is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety if any of the following is true:
 - (1) The firearm-related product's features render the product most suitable for assaultive purposes instead of lawful self-defense, hunting, or other legitimate sport and recreational activities;
 - (2) The firearm-related product is designed, sold, or marketed in a manner that foreseeably promotes the conversion of legal firearm-related products into illegal firearm-related products; or
 - (3) The firearm-related product is designed, sold, or marketed in a manner that is targeted at minors or other individuals who are legally prohibited from accessing firearms.

§134-C Violations; who may sue; relief. (a) An act or omission by a firearm industry member in violation of this part shall constitute an actionable cause of action.

- (b) A person who has suffered harm in the State because of a firearm industry member's violation of this part may bring an action in a court of competent jurisdiction.
- (c) In addition to any lawsuit filed against a firearm owner pursuant to section 663-9.5, the attorney general or any county attorney or public prosecutor may bring a civil action in a court of competent jurisdiction in the name of the people of the State to enforce this part and remedy harm caused by a violation of this part.
- (d) If a court determines that a firearm industry member engaged in conduct in violation of this part, the court may award any or all of the following:
 - (1) Injunctive relief sufficient to prevent the firearm industry member and any other defendant from further violating the law;
 - (2) Damages;
 - (3) Attorney's fees and costs; and

- (4) Any other appropriate relief necessary to enforce this part and remedy the harm caused by the conduct.
- (e) In an action alleging that a firearm industry member failed to establish, implement, and enforce reasonable controls in violation of section 134-B(b), there shall be a rebuttable presumption that the firearm industry member failed to implement reasonable controls if the following conditions are satisfied:
 - (1) The firearm industry member's action or failure to act created a reasonably foreseeable risk that the harm alleged by the claimant would occur; and
 - (2) The firearm industry member could have established, implemented, and enforced reasonable controls to prevent or substantially mitigate the risk that the harm would occur.
- (f) If a rebuttable presumption is established pursuant to subsection (e), the firearm industry member shall have the burden of showing through a preponderance of the evidence that the firearm industry member established, implemented, and enforced reasonable controls.
- (g) An intervening act by a third party, including but not limited to criminal use of a firearm-related product, shall not preclude a firearm industry member from liability under this part.

§134-D Interpretation of part. (a) Nothing in this part shall be construed to limit or impair in any way the right of a person or entity to pursue a legal action under any other authority.

(b) Nothing in this part shall be construed to limit or impair in any way an obligation or requirement placed on a firearm industry member by any other authority.

(c) This part shall be construed and applied in a manner that is consistent with the requirements of the United States Constitution and the Hawaii State Constitution.”

SECTION 2. 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 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. 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 5. This Act shall take effect on July 1, 2023.

(Approved April 26, 2023.)

A Bill for an Act Relating to Limitations of Actions.

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

SECTION 1. The legislature finds that any statute of limitations affecting a condominium association's right of action against a developer is tolled un-

til the period of developer control terminates. Current statutory language does not expressly state that tolling applies to the statute of repose that also limits actions based on construction to improve real property. The period of developer control can, in some situations, extend past the deadline set by the statute of repose.

The legislature further finds that a condominium association should have a reasonable opportunity to assert legal claims once the period of developer control terminates, notwithstanding the statute of repose. Accordingly, the purpose of this Act is to clarify that the tolling provision in section 514B-141 applies to the statute of repose.

SECTION 2. Section 514B-141, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any statute of limitation affecting the association’s right of action against a developer is tolled until the period of developer control terminates[-]; provided that, notwithstanding section 657-8, no statute of repose shall affect the association’s right of action against a developer sooner than two years after the period of developer control terminates.¹ A unit owner is not precluded from maintaining an action contemplated by this section because the unit owner is a unit owner or a member or officer of the association. Liens resulting from judgments against the association are governed by section 514B-147.”

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.
(Vetoed by Governor and veto overridden by Legislature on May 4, 2023.)

Note

1. Period should be underscored.

ACT 30

H.B. NO. 1000

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 from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (1) and (10):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$4,883,286	\$13,035,646

SECTION 2. 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 II

SECTION 3. There is appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 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 units (1) and (10):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$18,372	\$60,226

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. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, of the respective fiscal years, shall lapse as of those dates.

SECTION 7. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$4,901,658 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,068,669,025 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved June 1, 2023.)

Note

1. Act 164.

ACT 31

H.B. NO. 1001

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 from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (2), (3), (4), (6), (8), (9), (13), and (14):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$13,605,597	\$37,155,014

SECTION 2. 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 II

SECTION 3. There is appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 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 units (2), (3), (4), (6), (8), (9), (13), and (14):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$2,757,712	\$7,022,406

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. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, of the respective fiscal years, shall lapse as of those dates.

SECTION 7. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$16,363,309 or 1 per cent. The

ACT 32

combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,080,130,676 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved June 1, 2023.)

Note

- 1. Act 164.

ACT 32

H.B. NO. 1004

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 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 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (5):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$78,809,863	\$97,039,411
Federal funds	\$2,888,426	\$3,537,607
Trust funds	\$52,864	\$62,238
Interdepartmental transfers	\$9,927	\$5,424

SECTION 2. 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 II

SECTION 3. There are appropriated 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 2023-2025 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 (5):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$1,634,237	\$2,842,455
Federal funds	\$73,815	\$130,982
Trust funds	\$3,526	\$6,440

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. There is appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (5):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$9,220,890	\$22,828,193

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. 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 8. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, of the respective fiscal years, shall lapse as of those dates.

SECTION 9. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$89,664,990 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,153,432,357 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 10. This Act shall take effect on July 1, 2023.

(Approved June 1, 2023.)

Note

1. Act 164.

ACT 33

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 from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (7):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$2,150,664	\$6,703,748

SECTION 2. 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 II

SECTION 3. There is appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 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 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$159,143	\$519,529

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. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, of the respective fiscal years, shall lapse as of those dates.

SECTION 7. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$2,309,807 or 1 per cent. The combined total amount of

general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,066,077,174 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved June 1, 2023.)

Note

1. Act 164.

ACT 34

H.B. NO. 1010

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 from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (11):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$249,063	\$539,180

SECTION 2. 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 II

SECTION 3. There is appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 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 2023-2024</u>	<u>FY 2024-2025</u>
General funds	\$13,127	\$29,956

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. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, of the respective fiscal years, shall lapse as of those dates.

SECTION 7. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$262,190 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,029,557 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved June 1, 2023.)

Note

1. Act 164.

ACT 35

H.B. NO. 1018

A Bill for an Act Relating to State Funds.

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

PART I

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 legislature finds that the federal funding received under the American Rescue Plan Act required states receiving elementary and secondary school emergency relief (ESSER) program III funds to meet certain maintenance of effort requirements by maintaining state support for elementary and secondary education in fiscal year 2022-2023 at least at the proportional level of the State's support for elementary and secondary education relative to the State's overall spending, averaged over fiscal years 2016-2017, 2017-2018

and 2018-2019. If the State fails to meet these maintenance of efforts requirements, the United States Department of Education has the authority to impose a range of enforcement options, including seeking recovery of the approximately \$412,300,000 in ESSER program III funds awarded to the state department of education.

As the State of Hawaii's economy has improved and general fund revenues have rebounded, the maintenance of effort obligation has become increasingly difficult to manage, in part due to certain large general fund appropriations made in fiscal year 2021-2022 and fiscal year 2022-2023 for non-educational purposes. These appropriations were made for worthy purposes but have the impact of increasing the denominator for maintenance of effort calculations if expended in fiscal year 2022-2023. However, these worthy purposes would not be adversely affected by statutory adjustments to modestly delay expenditures beyond fiscal year 2022-2023 so the expenditures no longer impact the maintenance of effort calculations.

The purpose of this Act is to reduce the potential for federal maintenance of effort enforcement actions against the State by delaying the encumbrance and expenditure of various large general fund appropriations made in the 2022 legislative session until or beyond July 1, 2023, so they are no longer part of the fiscal year 2022-2023 maintenance of effort calculation.

PART II

SECTION 3. The legislature finds that Act 220, Session Laws of Hawaii 2022, transferred the stadium authority from the department of accounting and general services to the department of business, economic development, and tourism for administrative purposes. Section 14 of Act 220 also transferred appropriations made for the stadium authority to the department of business, economic development, and tourism.

The legislature further finds that a modest delay in encumbrance and expenditure of the lump sum general fund appropriation in fiscal year 2023 for deposit into the stadium development special fund made in Act 88, Session Laws of Hawaii 2021, as amended by Act 248, Session Laws of Hawaii 2022, would not have an adverse effect.

The purpose of this part is to delay the encumbrance and expenditure of the fiscal year 2023 appropriation for deposit into the stadium development special fund made in the 2022 legislative session to beyond July 1, 2023, so that it is no longer part of the fiscal year 2023 maintenance of effort calculation.

SECTION 4. Act 88, Session Laws of Hawaii 2021, as amended by paragraph 20 of section 4 of Act 248, Session Laws of Hawaii 2022, is amended by amending section 17.3 to read as follows:

“**SECTION 17.3.** Provided that out of the general fund appropriation for ~~spectator events and shows—Aloha Stadium (AGS889);~~ stadium authority (BED180), 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~~[-];~~ provided that any unexpended or unencumbered balances from the appropriation shall lapse to the general fund on June 30, 2024; provided further that funds shall not be expended nor deposited into the stadium development special fund before July 1, 2023.”

PART III

SECTION 5. Act 115, Session Laws of Hawaii 2022, is amended by amending section 4 to read as follows:

“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[-]; provided that any unexpended or unencumbered balances from the appropriation shall lapse to the general fund on June 30, 2024; provided further that funds shall not be expended nor deposited into the pension accumulation fund before July 1, 2023.”

PART IV

SECTION 6. Act 236, Session Laws of Hawaii 2022, is amended by amending section 3 to read as follows:

“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[-]; provided that any unexpended or unencumbered balances from the appropriation shall lapse to the general fund on June 30, 2024; provided further that funds shall not be expended nor deposited into the rental housing revolving fund before July 1, 2023.”

PART V

SECTION 7. Act 296, Session Laws of Hawaii 2022, is amended by amending section 6 to read as follows:

“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[-]; provided that any unexpended or unencumbered balances from the appropriation shall lapse to the general fund on June 30, 2024; provided further that funds shall not be expended nor deposited into the Hawaii retirement savings special fund before July 1, 2023.

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[-]; provided that any unexpended or unencumbered balances from the appropriation shall lapse to the general fund on June 30, 2024; provided further that funds shall not be expended before July 1, 2023.”

PART VI

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

SECTION 9. This Act shall take effect on June 29, 2023.

(Approved June 1, 2023.)

ACT 36

H.B. NO. 1020

A Bill for an Act Relating to Payment of Claims of the Unclaimed Property Program.

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

SECTION 1. As a public service, the unclaimed property program of the department of budget and finance returns lost or abandoned property to their rightful owners at no charge.

Claims for unclaimed property are paid from the unclaimed property trust fund.

Pursuant to section 523A-26(d), Hawaii Revised Statutes, all unencumbered and unexpended moneys in excess of \$1,300,000 remaining on balance in the unclaimed property trust fund on June 30 of each year lapses to the credit of the general fund. Consequently, the beginning balance at the start of the fiscal year for the unclaimed property trust fund is \$1,300,000.

Claims from the prior fiscal year waiting to be paid often times exceed the \$1,300,000 opening balance delaying the payment of such claims.

The purpose of this Act is to increase the amount of moneys that can be carried over at June 30 of each year by the unclaimed property trust fund from \$1,300,000 to \$3,000,000 to permit the timely payment of claims.

SECTION 2. Section 523A-26, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) All unencumbered and unexpended moneys in excess of [~~\$1,300,000~~] \$3,000,000 remaining on balance in the unclaimed property trust fund on June 30 of each year shall lapse to the credit of the state 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 on June 29, 2023.

(Approved June 1, 2023.)

ACT 37

H.B. NO. 1022

A Bill for an Act Relating to Funding Adjustments for State Programs.

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. In prior years, the respective budget acts contained a budget proviso such as section 72, Act 88, Session Laws of Hawaii 2021, the General Appropriations Act of 2021, which permitted the governor to authorize a department's transfer of operating funds between programs within that department; provided that the legislature was informed of the transfers. However, section 8 of Act 248, Session Laws of Hawaii 2022, the Supplemental Appropriations Act of 2022, repealed section 72. Consequently, although funds were appropriated to various state departments for their operating programs for fiscal

ACT 37

year 2022-2023, the repeal of section 72 has caused a critical funding emergency by limiting the ability of departments to transfer funds between their programs to address changing conditions.

The purpose of this Act is to address the repeal of section 72 by appropriating additional general funds as emergency appropriations for fiscal year 2022-2023 for operating funds shortfalls in quarters 3 and 4 for existing programs and to adjust funding for various programs to be commensurate with their anticipated level of activity. The emergency appropriations and the funding adjustments made in this Act are budget neutral.

SECTION 3. Act 88, Session Laws of Hawaii 2021, as amended by Act 248, Session Laws of Hawaii 2022, is amended by adding six new sections to part VII to read as follows:

“SECTION 72A. The following sums or so much thereof as may be necessary for fiscal year 2022-2023 are appropriated out of the general revenues of the State of Hawaii to the following programs within the department of public safety for the purpose of continuing existing programs and operations:

<u>PROGRAM</u>	<u>AMOUNT</u>
<u>PSD405</u>	<u>\$750,000</u>
<u>PSD407</u>	<u>\$2,500,000.</u>

SECTION 72B. Of the appropriations out of the general revenues of the State of Hawaii to the following programs within the department of public safety, the programs are reduced by the following amounts:

<u>PROGRAM</u>	<u>AMOUNT</u>
<u>PSD410</u>	<u>\$1,000,000</u>
<u>PSD409</u>	<u>\$2,250,000.</u>

SECTION 72C. The following sums or so much thereof as may be necessary for fiscal year 2022-2023 are appropriated out of the corresponding program special funds to the following programs within the department of transportation for the purpose of continuing existing programs and operations:

<u>PROGRAM</u>	<u>AMOUNT</u>
<u>TRN195</u>	<u>\$210,970</u>
<u>TRN131</u>	<u>\$340,374</u>
<u>TRN135</u>	<u>\$69,032</u>
<u>TRN151</u>	<u>\$119,487</u>
<u>TRN104</u>	<u>\$800,000</u>
<u>TRN133</u>	<u>\$750,000</u>
<u>TRN597</u>	<u>\$101,145.</u>

SECTION 72D. Of the special fund appropriations to the following programs within the department of transportation, the programs are reduced by the following amounts:

<u>PROGRAM</u>	<u>AMOUNT</u>
<u>TRN102</u>	<u>\$210,970</u>
<u>TRN133</u>	<u>\$295,124</u>
<u>TRN143</u>	<u>\$233,769</u>
<u>TRN102</u>	<u>\$800,000</u>
<u>TRN131</u>	<u>\$750,000</u>
<u>TRN595</u>	<u>\$101,145.</u>

SECTION 72E. The following sums or so much thereof as may be necessary for fiscal year 2022-2023 are appropriated out of the general revenues of the State of Hawaii to the following programs within the department of human services for the purpose of continuing existing programs and operations:

<u>PROGRAM</u>	<u>AMOUNT</u>
<u>HMS601</u>	<u>\$249,514</u>
<u>HMS901</u>	<u>\$332,128.</u>

SECTION 72F. Of the appropriations out of the general revenues of the State of Hawaii to the following programs within the department of human services, the programs are reduced by the following amounts:

<u>PROGRAM</u>	<u>AMOUNT</u>
<u>HMS301</u>	<u>\$581,642.”</u>

SECTION 4. New statutory material is underscored.

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

(Approved June 1, 2023.)

ACT 38

S.B. NO. 1313

A Bill for an Act Relating to the Hawaii Employer-Union Health Benefits Trust Fund.

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

SECTION 1. The legislature finds that salaries for executive personnel in the private sector far outpace that of state employment, making attracting and retaining quality managers difficult. The legislature further finds that, in order for the board of trustees of the Hawaii employer-union health benefits trust fund to recruit and retain the most qualified individuals to administer the day-to-day activities of the trust fund, the board should be allowed to establish appropriate salaries for upper management personnel.

Accordingly, the purpose of this Act is to allow the board of trustees of the Hawaii employer-union health benefits trust fund to establish salaries for the trust fund administrator and chief investment officer that are commensurate with the private sector. This amendment is modeled after the statutory wording in section 88-29, Hawaii Revised Statutes, which provides the board of trustees of the employees’ retirement system similar powers.

SECTION 2. Section 87A-24, Hawaii Revised Statutes, is amended to read as follows:

“§87A-24 Other powers. In addition to the power to administer the fund, the board may:

- (1) Collect, receive, deposit, and withdraw money on behalf of the fund;
- (2) Invest moneys in the same manner specified in section 88-119;

ACT 39

- (3) Hold, purchase, sell, assign, transfer, or dispose of any securities or other investments of the fund, as well as the proceeds of those investments and any money belonging to the fund;
- (4) Appoint, and at pleasure dismiss, an administrator and other fund staff. The administrator shall be exempt from chapter 76. Other fund staff may be exempt from chapter 76 as determined by the board. The administrator and staff who are exempt from chapter 76 shall serve under and at the pleasure of the board; provided that civil service exempt positions under this section that are created after July 1, 2014, shall be exempt from section 76-16(b)(17)(A); provided further that the salaries of the administrator and chief investment officer shall be set by the board.
- (5) Make payments of periodic charges and pay for reasonable expenses incurred in carrying out the purposes of the fund;
- (6) Contract for the performance of financial audits of the fund and claims audits of its insurance carriers;
- (7) Retain auditors, actuaries, investment firms and managers, benefit plan consultants, or other professional advisors to carry out the purposes of this chapter;
- (8) Establish health benefits plan and long-term care benefits plan rates that include administrative and other expenses necessary to effectuate the purposes of the fund; and
- (9) Require any department, agency, or employee of the State or counties to furnish information to the board to carry out the purposes of this chapter.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval; provided that the amendments made to section 87A-24, Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when that section is reenacted on June 30, 2023, pursuant to section 9 of Act 229, Session Laws of Hawaii 2021.

(Approved June 1, 2023.)

ACT 39

S.B. NO. 1277

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. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2022-2023 has already been exceeded by \$866,542,963 or 8.41 per cent. The appropriation contained in this Act will cause the state general fund expenditure ceiling to be exceeded by an additional \$9,000,000 or 1.0 per cent for fiscal year 2022-2023. This current declaration takes into account the additional general fund appropriation authorized for fiscal year 2022-2023 in this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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.

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2022-2023 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:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
MISCELLANEOUS CLAIMS:	
1. Kelly and Robert Armstrong	\$ 100,333.33
2. Community Empowerment Resources	\$ 153,110.25
3. Garry A. Harsanyi and Kimberly M. Harsanyi	\$ 406.00
4. Interval International Inc.	\$ 3,078,145.74
5. Ding Jing	\$ 118,524.00
6. Kailua Local Cab Inc.	\$ 2,019.71
7. Michael Shiira	\$ 902.00
8. Morgan Stanley Smith Barney Holdings LLC	\$ 239,927.00
9. Mercedes Nakaza	\$ 94.46
10. Jyron Salamanca	\$ 1,992.30
11. Saltchuk Resources, Inc.	\$ 550,000.00
12. Tamura Enterprises, Inc.	\$ 1,464.22
13. The Estate of Take Yamashiro	\$ 4,777.03
14. Eric A Abella	\$ 46.68
15. Alexander & Baldwin, LLC	\$ 36,080.96
16. David W. Clausen	\$ 75,000.00
17. Moana Swan Inc.	\$ 5,066.67
18. Ruth Y. Shirai	\$ 45.00
SUBTOTAL:	\$ 4,367,935.35
TOTAL: (SECTION 2)	\$ 4,367,935.35

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

PART III

SECTION 3. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of accounting and general services or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their names, is approved for payment:

ACT 39

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES:

1. Claim of Allison D. Wong Daniel	\$ 55,000.00
	Settlement
2. Frances Kaluhiwa v. State of Hawaii	\$ 275,000.00
Civil No. ICCV-20-0000638, First Circuit	Settlement
SUBTOTAL:	\$ 330,000.00
TOTAL (SECTION 3):	\$ 330,000.00

Provided that of legislative appropriation for the department of accounting and general services for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$55,000 shall be expended from the fiscal year 2022-2023 budget (AGS881, general funds) and the general fund sum of \$275,000 shall be expended from the fiscal year 2022-2023 budget (AGS232, general funds), by the department of accounting and general services for the purposes of this Act.

PART IV

SECTION 4. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person for claims against the State or the department of the attorney general or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF THE ATTORNEY GENERAL:

1. Honolulu Civil Beat Inc. v. Department of the Attorney General, SCAP-21-0000057; Civil No. ICC-16-1-001743, First Circuit	\$ 79,199.38
	Judgment
SUBTOTAL:	\$ 79,199.38
TOTAL (SECTION 4):	\$ 79,199.38

Provided that of legislative appropriation for the department of the attorney general for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$79,199.38 shall be expended from the fiscal year 2022-2023 budget (ATG100, general funds) by the department of the attorney general for the purposes of this Act.

PART V

SECTION 5. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of education or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their names, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF EDUCATION:

- | | |
|---|-----------------------------|
| 1. Kristen Kam, et al. v. State of Hawaii
Board of Education, et al.
Civil No. 21-00211 JAO-KJM, USDC | \$ 250,000.00
Settlement |
| 2. Cipriano Millano, et al. v.
State of Hawaii, et al.
Civil No. 2CC-13-1-000031, Second Circuit | \$ 750,000.00
Settlement |
| 3. Roe No. 113 v. State of Hawaii
Civil No. ICC-19-1-000460, First Circuit | \$ 450,000.00
Settlement |

SUBTOTAL:	<u>\$1,450,000.00</u>
TOTAL (SECTION 5):	\$1,450,000.00

Provided that of legislative appropriation for the department of education for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$1,450,000 shall be expended from the fiscal year 2022-2023 budget (EDN100, general funds) by the department of education for the purposes of this Act.

PART VI

SECTION 6. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person for claims against the State or the department of human services or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF HUMAN SERVICES

- | | |
|---|----------------------------|
| 1. E.F. v. State of Hawaii, Department of
Human Services, et al.
Civil No. ICCV-20-0000497, First Circuit | \$ 35,000.00
Settlement |
|---|----------------------------|

SUBTOTAL:	<u>\$ 35,000.00</u>
TOTAL (SECTION 6):	\$ 35,000.00

Provided that of legislative appropriation for the department of human services for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$35,000 shall be expended from the fiscal year 2022-2023 budget (HMS301, general funds) by the department of human services for the purposes of this Act.

PART VII

SECTION 7. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of land and natural resources or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their names, is approved for payment:

ACT 39

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF LAND AND NATURAL RESOURCES

1. Mary Chang, et al. v. State of Hawaii, et al. Civil No. 1CCV-21-0000913, First Circuit	\$ 830,000.00 Settlement
2. Healoha Carmicheal, et al. v. Board of Land and Natural Resources, SCWC-16-0000071	\$ 49,394.67 Judgment
SUBTOTAL:	\$ 879,394.67
TOTAL (SECTION 7):	\$ 879,394.67

Provided that of legislative appropriation for the department of land and natural resources for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$879,394.67 shall be expended from the fiscal year 2022-2023 budget (LNR906, general funds) by the department of land and natural resources for the purposes of this Act.

PART VIII

SECTION 8. The legislature finds and declares that the following claims for legislative relief recommended for approval as to the following named persons for claims against the State or the department of public safety or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

**JUDGMENTS AGAINST THE STATE
AND SETTLEMENTS OF CLAIMS:**

AMOUNT

DEPARTMENT OF PUBLIC SAFETY

1. Eric Yoshioka v. State of Hawaii Civil No. ICC-17-1-001435, First Circuit Settlement	\$ 37,500.00
2. Cheyenne K. Chong, Individually and As Personal Representative of Wesley Chong v. State of Hawaii, Department Of Public Safety, et al. ¹ Civil No. ICC-20-0000089, First Circuit	\$ 200,000.00 Settlement
3. Janet Salas v. State of Hawaii, Department of Public Safety, et al. Civil No. 1CCV-21-0001541, First Circuit	\$ 700,000.00 Settlement
4. Civil Beat Law Center for the Public Interest v. Department of Public Safety Civil No. 1CCV-22-735, First Circuit	\$ 12,672.49 Judgment
5. Honolulu Civil Beat Inc. v. Department of Public Safety Civil No. 1CCV-21-0001329, First Circuit	\$ 19,730.75 Judgment
SUBTOTAL:	\$ 969,903.24
TOTAL (SECTION 8):	\$ 969,903.24

Provided that of legislative appropriation for the department of the public safety for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021,

as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$969,903.24 shall be expended from the fiscal year 2022-2023 budget (PSD900, general funds) by the department of the public safety for the purposes of this Act.

PART IX

SECTION 9. The legislature finds and declares that the following claim for legislative relief recommended for approval as to the following named person for claims against the State or the state public charter school commission or its officers or employees for the payment of judgments or settlements, or other liabilities, in the amount set forth opposite their name, is approved for payment:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
STATE PUBLIC CHARTER SCHOOL COMMISSION	
Beth Bulgeron v. The Hawaii State Public Charter School Commission, et al. Civil No. 1CCV-20-0001620, First Circuit	\$ 58,000.00 Settlement
SUBTOTAL:	<hr style="width: 100%; border: 0.5px solid black;"/> \$ 58,000.00
TOTAL (SECTION 9):	\$ 58,000.00

Provided that of legislative appropriation for the state public charter school commission for fiscal year 2022-2023 in section 3 of Act 88, Session Laws of Hawaii 2021, as amended by section 3 of Act 248, Session Laws of Hawaii 2022, the general fund sum of \$58,000 shall be expended from the fiscal year 2022-2023 budget (EDN612, general funds) by the state public charter school commission for the purposes of this Act.

PART X

SECTION 10. The following sums or so much thereof as may be necessary for fiscal year 2022-2023 are appropriated out of the state highway fund for the purpose of satisfying claims for legislative relief as to the following named persons, for claims against the State or its officers or employees for payments of judgments or settlements, or other liabilities, in the amount set forth opposite their names:

JUDGMENTS AGAINST THE STATE AND SETTLEMENTS OF CLAIMS:	AMOUNT
DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION:	
1. Satya Simmons, et al. v. State of Hawaii, et al. Civil No. 2CC-17-1-000224, Second Circuit	\$ 500,000.00 Settlement
2. James Braddock, et al. v. Misty Mitchell, et al. Civil.1 No. 19-1-0994-06, First Circuit	\$17,000,000.00 Settlement
SUBTOTAL:	<hr style="width: 100%; border: 0.5px solid black;"/> \$17,500,000.00
TOTAL (SECTION 10):	\$17,500,000.00

The sums appropriated shall be expended by the department of transportation, highways division for the purposes of this Act.

PART XI

SECTION 11. The sums provided in sections 2 through 10 of this Act 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 12. 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 the 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.

SECTION 13. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2024, shall lapse.

SECTION 14. 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 15. This Act shall take effect upon its approval.

(Approved June 1, 2023.)

Note

- 1. So in original.

ACT 40

S.B. NO. 1314

A Bill for an Act Relating to the Hawaii Employer-Union Health Benefits Trust Fund Spousal Medicare Part B Premium Reimbursement.

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

SECTION 1. The legislature finds that the State and counties reimburse retirees and their spouses for medicare part B premiums, including spouses of retirees hired after June 30, 2001. Employers do not receive any benefit from the enrollment of self-only retiree spouses in medicare part B, since the employers do not contribute to the spouse’s premiums. The Hawaii employer-union health benefits trust fund board of trustees estimates that eliminating medicare part B premium reimbursements for spouses of employees hired on or after July 1, 2023, will reduce the State’s future annual required contributions by \$1.2 billion over a thirty-year period. Current retirees; vested, terminated employees; and current employees will not be impacted by this Act.

SECTION 2. Section 87A-23, Hawaii Revised Statutes, is amended to read as follows:

“**§87A-23 Health benefits plan supplemental to medicare.** The board shall establish a health benefits plan, which takes into account benefits available to an employee-beneficiary and spouse under medicare, subject to the following conditions:

- (1) There shall be no duplication of benefits payable under medicare. The plan under this section, which shall be secondary to medicare, when combined with medicare and any other plan to which the health benefits plan is subordinate under the National Association of Insurance Commissioners’ coordination of benefit rules, shall

- provide benefits that approximate those provided to a similarly situated beneficiary not eligible for medicare;
- (2) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund a contribution equal to an amount not less than the medicare part B premium, for each of the following who are enrolled in the medicare part B medical insurance plan: (A) an employee-beneficiary who is a retired employee, (B) ~~[an employee-beneficiary's spouse]~~ a spouse of an employee-beneficiary hired prior to July 1, 2023, while the employee-beneficiary is living, and (C) an employee-beneficiary's spouse, after the death of the employee-beneficiary, if the spouse qualifies as an employee-beneficiary. For purposes of this section, a "retired employee" means retired members of the employees' retirement system; county pension system; or a police, firefighters, or bandsmen pension system of the State or a county as set forth in chapter 88. If the amount reimbursed by the fund under this section is less than the actual cost of the medicare part B medical insurance plan due to an increase in the medicare part B medical insurance plan rate, the fund shall reimburse each employee-beneficiary and ~~[employee-beneficiary's spouse]~~ spouse of an employee-beneficiary hired prior to July 1, 2023, for the cost increase within thirty days of the rate change. Each employee-beneficiary and employee-beneficiary's spouse who becomes entitled to reimbursement from the fund for medicare part B premiums after July 1, 2006, shall designate a financial institution account into which the fund shall be authorized to deposit reimbursements. This method of payment may be waived by the fund if another method is determined to be more appropriate;
 - (3) The benefits available under this plan, when combined with benefits available under medicare or any other coverage or plan to which this plan is subordinate under the National Association of Insurance Commissioners' coordination of benefit rules, shall approximate the benefits that would be provided to a similarly situated employee-beneficiary not eligible for medicare;
 - (4) All employee-beneficiaries or dependent-beneficiaries who are eligible to enroll in the medicare part B medical insurance plan shall enroll in that plan as a condition of receiving contributions and participating in benefits plans under this chapter. This paragraph shall apply to retired employees, their spouses, and the surviving spouses of deceased retirees and employees killed in the performance of duty; and
 - (5) The board shall determine which of the employee-beneficiaries and dependent-beneficiaries, who are not enrolled in the medicare part B medical insurance plan, may participate in the plans offered by the fund."

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, 2023.

(Approved June 1, 2023.)

A Bill for an Act Relating to the Hawaii Employer-Union Health Benefits Trust Fund Medicare Part B Premium Reimbursement.

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

SECTION 1. The legislature finds that the State and counties reimburse retirees and their spouses medicare part B premiums including income-related monthly adjustment amounts (IRMAA). An IRMAA is added to the monthly medicare part B standard premium amount of \$170.10 for 2022 if the retiree's annual federal tax return income two years prior was over a certain threshold. The IRMAA is assessed on retirees with 2020 federal tax return modified adjusted gross income of greater than \$91,000 and \$182,000 for single and joint filers, respectively. This threshold is adjusted annually for inflation. The State's approximate annual medicare part B premium reimbursement is \$98,000,000 of which approximately \$8,500,000 is the IRMAA.

The Hawaii employer-union health benefits trust fund estimates elimination of reimbursement of IRMAA for new hires on or after July 1, 2023, will reduce future state annual required contributions by \$400,000,000 over a thirty-year period. Current retirees; vested, terminated employees; and current employees will not be impacted by this Act.

Accordingly, the purpose of this Act is to eliminate the reimbursements for income-related monthly adjustment amounts for new hires on or after July 1, 2023, and their spouses.

SECTION 2. Section 87A-23, Hawaii Revised Statutes, is amended to read as follows:

“§87A-23 Health benefits plan supplemental to medicare. The board shall establish a health benefits plan, which takes into account benefits available to an employee-beneficiary and spouse under medicare, subject to the following conditions:

- (1) There shall be no duplication of benefits payable under medicare. The plan under this section, which shall be secondary to medicare, when combined with medicare and any other plan to which the health benefits plan is subordinate under the National Association of Insurance Commissioners' coordination of benefit rules, shall provide benefits that approximate those provided to a similarly situated beneficiary not eligible for medicare;
- (2) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund a contribution equal to an amount not less than the medicare part B premium, excluding medicare income-related monthly adjustment amounts for a retired employee hired after June 30, 2023, and their spouse, for each of the following who are enrolled in the medicare part B medical insurance plan: (A) an employee-beneficiary who is a retired employee, (B) an employee-beneficiary's spouse while the employee-beneficiary is living, and (C) an employee-beneficiary's spouse, after the death of the employee-beneficiary, if the spouse qualifies as an employee-beneficiary. ~~For purposes of this section, a “retired employee” means retired members of the employees' retirement system; county pension system; or a police, firefighters, or bandsmen pension system of the State or a county as set forth in chapter 88.~~ If the amount reimbursed by the

fund under this section is less than the actual cost of the medicare part B medical insurance plan, excluding medicare income-related monthly adjustment amounts for a retired employee hired after June 30, 2023, and their spouse, due to an increase in the medicare part B medical insurance plan rate, the fund shall reimburse each employee-beneficiary and employee-beneficiary’s spouse for the cost increase within thirty days of the rate change. Each employee-beneficiary and employee-beneficiary’s spouse who becomes entitled to reimbursement from the fund for medicare part B premiums after July 1, 2006, shall designate a financial institution account into which the fund shall be authorized to deposit reimbursements. This method of payment may be waived by the fund if another method is determined to be more appropriate[;]. For purposes of this section, a “retired employee” means retired members of the employees’ retirement system; county pension system; or a police, firefighters, or bandmen pension system of the State or a county as set forth in chapter 88:

- (3) The benefits available under this plan, when combined with benefits available under medicare or any other coverage or plan to which this plan is subordinate under the National Association of Insurance Commissioners’ coordination of benefit rules, shall approximate the benefits that would be provided to a similarly situated employee-beneficiary not eligible for medicare;
- (4) All employee-beneficiaries or dependent-beneficiaries who are eligible to enroll in the medicare part B medical insurance plan shall enroll in that plan as a condition of receiving contributions and participating in benefits plans under this chapter. This paragraph shall apply to retired employees, their spouses, and the surviving spouses of deceased retirees and employees killed in the performance of duty; and
- (5) The board shall determine which of the employee-beneficiaries and dependent-beneficiaries, who are not enrolled in the medicare part B medical insurance plan, may participate in the plans offered by the fund.”

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, 2023.
(Approved June 1, 2023.)

ACT 42

H.B. NO. 339

A Bill for an Act Relating to Exemptions from Civil Service for Positions in 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 permanently exempt from provisions of civil service the following positions in the department of human

services: the second deputy director, information technology implementation manager, assistant information technology implementation manager, resource manager, community/project development director, policy director, special assistant to the director, limited English proficiency project manager/coordinator, and business technology analyst.

SECTION 2. 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 divi-

- sions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; 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 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~~[-]~~, information technology implementation manager, assistant information technology implementation manager, resource manager, community/project development director, policy director, special assistant to the director, and limited English proficiency project manager/coordinator;
- (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;
- (34) Positions in the Mauna Kea stewardship and oversight authority; ~~and~~
- ~~[(35)]~~ In the office of homeland security of the department of defense, the statewide interoperable communications coordinator~~[-]~~; and
- (36) In the social services division of the department of human services, the business technology analyst.

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 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 the amendments made to section 76-16(b) by section 2 of this Act shall not be repealed when that section is amended on January 1, 2024, pursuant to section 62 of Act 278, Session Laws of Hawaii 2022.

(Approved June 1, 2023.)

ACT 43

H.B. NO. 650

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 in 2018, the State passed the Our Care, Our Choice Act to ensure that all terminally ill individuals have access to the full-range of end-of-life care options. The Our Care, Our Choice Act allows mentally capable, terminally ill individuals with six months or less to live to voluntarily request and receive prescription medication that allows the individual to die in a peaceful, humane, and dignified manner.

The legislature further finds that Hawaii's unique geography and shortage of physicians create barriers for qualified terminally ill individuals to access health care. Finding a physician may be burdensome, especially for individuals on the neighbor islands. Hawaii gives advanced practice registered nurses full scope of practice licensure; however, they do not have authority to administer medical-aid-in-dying, thereby further limiting access to care for many individuals. Furthermore, evidence from other states that authorize medical-aid-in-dying demonstrates that even with full access to a supportive health care facility and providers, a high percentage of terminally ill individuals die while waiting to complete the regulatory requirements to qualify for medication under the respective state laws. Hawaii has the longest mandatory waiting period amongst all ten medical-aid-in-dying authorized states and the District of Columbia. Many patients are not surviving the mandatory twenty days between the initial and second oral requests required for the prescription.

The purpose of this Act is to amend the Our Care, Our Choice Act to:

- (1) Authorize advanced practice registered nurses to practice medical-aid-in-dying in accordance with their scope of practice and prescribing authority;
- (2) Authorize licensed advanced practice registered nurses and clinical nurse specialists with psychiatric or mental health training and licensed marriage and family therapists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient;
- (3) Reduce from twenty to five days, the mandatory waiting period between the two oral requests required for a qualified patient to obtain a prescription for medication that may be self-administered to end the patient's life in accordance with applicable state law; and
- (4) Waive the mandatory waiting period for terminally ill qualified patients who are not expected to survive the mandatory waiting period.

SECTION 2. Section 327L-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

“Advanced practice registered nurse” means a registered nurse licensed to practice in the State who has met the qualifications of chapter 457 and who, because of advanced education and specialized clinical training, is authorized to assess, screen, diagnose, order, utilize, or perform medical, therapeutic, preventive, or corrective measures, including prescribing medication.

2. By amending the definition of “attending provider” to read:

“Attending provider” means a physician licensed pursuant to chapter 453 or advanced practice registered nurse licensed pursuant to chapter 457 who has responsibility for the care of the patient and treatment of the patient's terminal disease.

3. By amending the definitions of “consulting provider” and “counseling” to read:

“Consulting provider” means a physician licensed pursuant to chapter 453 who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease[-] or advanced practice registered nurse licensed pursuant to chapter 457 who is qualified by specialty or experience to diagnose and prescribe medication.

“Counseling” means one or more consultations, which may be provided through telehealth, as necessary between a psychiatrist licensed under chapter 453, psychologist licensed under chapter 465, ~~[or]~~ clinical social worker licensed pursuant to chapter 467E, advanced practice registered nurse or clinical nurse specialist licensed under chapter 457 with psychiatric or mental health training, or marriage and family therapist licensed pursuant to chapter 451J, and a patient for the purpose of determining that the patient is capable, and that the patient does not appear to be suffering from undertreatment or nontreatment of depression or other conditions ~~[which]~~ that may interfere with the patient’s ability to make an informed decision pursuant to this chapter.”

SECTION 3. Section 327L-2, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§327L-2[H]~~ **Oral and written requests for medication; initiated.** ~~[A~~n~~]~~ Except as otherwise provided in section 327L-11(c), an adult who is capable, is a resident of the State, and has been determined by an attending provider and a consulting provider to be suffering from a terminal disease, and who has voluntarily expressed the adult’s wish to die, may, pursuant to section 327L-9, submit:

- (1) Two oral requests, a minimum of ~~[twenty]~~ five days apart; and
- (2) One written request,

for a prescription for medication that may be self-administered for the purpose of ending the adult’s life in accordance with this chapter. The attending provider shall directly, and not through a designee, receive all three requests required pursuant to this section.”

SECTION 4. Section 327L-9, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§327L-9[H]~~ **Written and oral requests.** ~~[T~~o~~]~~ Except as otherwise provided in section 327L-11(c), to receive a prescription for medication that a qualified patient may self-administer to end the qualified patient’s life pursuant to this chapter, a qualified patient shall have made an oral request and a written request, and reiterate the oral request to the qualified patient’s attending provider ~~[n~~o~~t]~~ no less than ~~[twenty]~~ five days after making the initial oral request. At the time the qualified patient makes the second oral request, the attending provider shall offer the qualified patient an opportunity to rescind the request.”

SECTION 5. Section 327L-11, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§327L-11[H]~~ **Waiting periods.** ~~[N~~o~~t]~~ (a) Except as otherwise provided in subsection (c), no less than ~~[twenty]~~ five days shall elapse between the qualified patient’s initial oral request for a prescription for medication pursuant to sections 327L-2 and 327L-9, and the taking of steps to make available a prescription pursuant to section 327L-4(a)(12). ~~[N~~o~~t]~~

(b) No less than forty-eight hours shall elapse between the qualified patient’s written request for a prescription for medication pursuant to sections 327L-2 and 327L-9, and the taking of steps to make available a prescription pursuant to section 327L-4(a)(12).

(c) If the qualified patient’s attending provider attests that the qualified patient will, within a reasonable medical judgment, die within five days after making the initial oral request, the five-day waiting period shall be waived and the qualified patient may reiterate the oral request to the attending provider at any time after making the initial oral request.”

ACT 44

SECTION 6. Section 327L-19, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) For the purposes of this section:

“Notify” means to deliver a separate statement in writing to a health care provider specifically informing the health care provider ~~[prior to]~~ before the health care provider’s participation in actions covered by this chapter of the health care facility’s policy regarding participation in actions covered by this chapter.

~~["Participate]~~ “Participation in actions covered by this chapter” means ~~[to perform]~~ the performance of duties of an attending provider pursuant to section 327L-4, the consulting provider function pursuant to section 327L-5, or the counseling referral function or counseling pursuant to section 327L-6. ~~[The term]~~ “Participation in actions covered by this chapter” does not include:

- (1) Making an initial determination that a patient has a terminal disease and informing the patient of the medical prognosis;
- (2) Providing information about this chapter to a patient upon the request of the patient;
- (3) Providing a patient, upon the request of the patient, with a referral to another ~~[physician;]~~ health care provider; or
- (4) Entering into a contract with a patient as the patient’s attending provider, consulting provider, or counselor to act outside of the course and scope of the health care provider’s capacity as an employee or independent contractor of a health care facility.”

SECTION 7. 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 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 June 1, 2023.)

ACT 44

H.B. NO. 977

A Bill for an Act Relating to Purchases of Health and Human Services.

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

SECTION 1. The legislature finds that the community council on the purchase of health and human services was established in 1997 by section 103F-202, Hawaii Revised Statutes, for the purpose of providing input and advising the state procurement administrator in developing the rules, infrastructure, and procedures for procuring health and human services. More than twenty-five years later, administrative rules are well established and both providers and purchasing agencies are accustomed to the State’s procurement process. Any further rule changes can be managed through the procurement policy board.

The purpose of this Act is to amend the procurement laws relating to purchases of health and human services by abolishing the community council on purchase of health and human services.

SECTION 2. Section 103F-202, Hawaii Revised Statutes, is repealed.

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

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

(Approved June 1, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 45

H.B. NO. 978

A Bill for an Act Relating to Purchases of Health and Human Services.

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

SECTION 1. The purpose of this Act is to amend the procurement laws relating to the purchase of health and human services to promote procurement efficiency, program success, and government accountability. This Act increases the efficiency of short-term treatment purchase of services and changes the small purchase threshold for health and human services.

SECTION 2. Section 103F-404, Hawaii Revised Statutes, is amended to read as follows:

~~“[§103F-404]~~ **Treatment purchase of services.** (a) Treatment services may be purchased in accordance with this section if ~~[either or both of]~~ the following circumstances ~~[are applicable]~~:

- ~~(1) Such services may become necessary from time to time, but cannot be anticipated accurately on an annual or biennial basis; and~~
- ~~(2) When deferring treatment until solicitation, provider selection, and contract formation can be completed, the problem needing treatment would be rendered worse than at the time of diagnosis or assessment.~~

~~Contracts for treatment services shall be awarded on the basis of demonstrated competence and qualification for the type of service required, and at fair and reasonable prices.] apply:~~

- ~~(1) The need for treatment services is unanticipated and arises from time to time;~~
- ~~(2) The required treatment services are for a one-time purchase of no more than \$100,000 and last no longer than one year;~~
- ~~(3) The treatment services are generally accepted practices by the industry or profession; and~~
- ~~(4) The award of a contract is based on demonstrated competence and qualification for the type of treatment service required and at fair and reasonable prices.~~

~~(b) [At a minimum, before the beginning of each fiscal year, the administrator] The head of the purchasing agency or the purchasing agency's designee shall, at a minimum, publish a notice describing the types of treatment services that may be needed throughout the fiscal year on [a periodic] an as-needed basis and inviting providers engaged in providing these treatment services to submit current statements of qualification and expressions of interest to the [office. The chief procurement officer may specify a uniform format for statements of quali-~~

fications.] purchasing agency. Providers may amend these statements by filing an amended or new statement prior to the date designated for submission.

(c) The ~~[administrator]~~ head of the purchasing agency or the purchasing agency's designee shall form an initial review committee for each profession, consisting of a minimum of three employees from a state agency or agencies with sufficient education, training, and licenses or credentials to evaluate the statements of qualifications ~~[which]~~ that the [administrator] head of the purchasing agency or the purchasing agency's designee receives in response to the notice published pursuant to subsection (b). The committee shall review and evaluate the submissions and other pertinent information, including references and reports, and prepare a list of qualified providers to provide treatment services during the fiscal year. Providers included on the list of qualified treatment providers may amend their statements of qualifications as necessary or appropriate. Providers shall immediately inform the ~~[administrator]~~ head of the purchasing agency of any changes in information furnished ~~[which]~~ that would disqualify the provider from being considered for a contract award.

(d) When the need to purchase treatment services arises, the head of a purchasing agency shall select the provider most qualified to provide the needed treatment services from the list of qualified providers.

(e) The head of the purchasing agency~~;~~ or ~~[a]~~ the purchasing agency's designee~~;~~ shall negotiate a contract, including a rate of compensation ~~[which]~~ that is fair and reasonable, established in writing, and based upon the estimated value, scope, nature, and complexity of the treatment services to be rendered, or use the rate established by the [administrator,] head of the purchasing agency, if any. If negotiations fail, upon written notice of an impasse to the provider selected under subsection (d), the head of the purchasing agency shall choose another provider from the list of qualified providers, and conduct further negotiations. Negotiations shall be conducted confidentially.

(f) Contracts for treatment services in excess of \$100,000 or that last for more than one year shall [be procured using section 103F-402, competitive purchase of services, unless a waiver of this subsection is approved by the chief procurement officer.] utilize an alternative applicable method of procurement pursuant to section 103F-401."

SECTION 3. Section 103F-405, Hawaii Revised Statutes, is amended to read as follows:

~~“[§103F-405] Small purchases. Purchases of health and human services [of less than \$25,000] for an amount less than the threshold established in section 103D-305(a) for goods and services are small purchases, and shall be made in accordance with [section 103D-305 and] rules adopted by the policy board [to implement that section].”~~

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 1, 2023.)

A Bill for an Act Relating to the Employees' Retirement System.

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

SECTION 1. The purpose of this Act is to ensure that employment, work, and pay eligibility for the purpose of calculating retirement benefits includes retroactive reinstatement, retroactive rescission of suspension, and

retroactive payments that are restored to an employee as part of a judicial, administrative, or arbitral proceeding, or pursuant to a settlement of claims, subject to certification by the system that the retroactive reinstatement, retroactive rescission of suspension, and retroactive payments that are restored otherwise satisfy the requirements of chapter 88, Hawaii Revised Statutes, including:

- (1) The definition of “service” in section 88-21, Hawaii Revised Statutes;
- (2) The calculation of credit for a year of service in section 88-50, Hawaii Revised Statutes;
- (3) The definition of “compensation” in section 88-21.5, Hawaii Revised Statutes, to prevent significant non-base pay increases;
- (4) Compliance with the employer reporting requirements of section 88-103.7, Hawaii Revised Statutes;
- (5) Payment of the actuarial value of employee contributions; and
- (6) Payment of the actuarial value of employer contributions.

SECTION 2. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to part II, subpart B, to be appropriately designated and to read as follows:

“§88- Retroactive reinstatement; retroactive rescission of suspension; retroactive payments. (a) Upon certification by the system, the retroactive reinstatement, retroactive rescission of suspension, and retroactive payment provided to an employee pursuant to a final resolution of claims shall be considered service under section 88-21, compensation under section 88-21.5, or both; provided that:

- (1) For the reinstatement, rescission of suspension, or payment to be considered:
 - (A) Service under section 88-21, the employee shall appeal the employee’s involuntary termination or unpaid suspension, be retroactively reinstated to employment or have the suspension rescinded in whole or in part, and be provided back pay, pursuant to a final resolution of claims; provided further that:
 - (i) The dates of retroactive employment or retroactive rescission of suspension for which back pay is provided pursuant to a final resolution of claims and paid by the State or county do not precede or succeed the dates the employee would have provided service if the employee had not been suspended or terminated;
 - (ii) A final resolution of claims specifies the dates of retroactive employment or retroactive rescission of suspension, and the amount, purpose, and nature of retroactive payments for each monthly period in which the employee would have provided service if the employee had not been suspended or terminated;
 - (iii) The dates of retroactive employment or retroactive rescission of suspension provided pursuant to a final resolution of claims would otherwise have been considered service as provided in this chapter; and
 - (iv) The service shall be credited to the extent it would otherwise have been credited as provided in this chapter; and
 - (B) Compensation under section 88-21.5, the employee shall challenge an involuntary termination, unpaid suspension, or the employee’s compensation and be subsequently provided a retroactive payment pursuant to a final resolution of claims; provided further that:

- (i) The amount, purpose, nature, and duration of a retroactive payment provided pursuant to a final resolution of claims and paid by the State or county do not exceed the amount, purpose, nature, and duration of compensation available to comparable employees (including but not limited to employees with similar positions, class, title, pay range or wage scale, step, bargaining unit, contract type, function, job category, and pay rate code through the same employer, department, or agency, available by pay schedule, or comparable to the employee's own history of compensation), less any compensation actually paid to the employee and reported to the system by the State or county, where applicable; do not exceed the compensation attributable to the number of workdays for which retroactive payment is owed; and when added to the compensation actually paid to the employee by the State or county and reported to the system, if any, results in compensation to the employee that does not exceed the compensation that the employee would have earned had the employee not been suspended or terminated, or had the employee received the compensation available to comparable employees;
 - (ii) Retroactive payments provided pursuant to a final resolution of claims would otherwise have been considered compensation, as provided in section 88-21.5(a) or (b), respectively, depending on when the employee became a member, and this chapter; and
 - (iii) Any amounts provided to the employee for damages, attorney's fees, interest or penalties, payments for failure to hire, or payments made as part of an agreement for the employee to resign or otherwise terminate employment shall not be considered compensation for purposes of the system;
- (2) The requirements of section 88-103.7 and this chapter shall be satisfied with respect to any retroactive reinstatement, retroactive rescission of suspension, retroactive pay differential, or back pay pursuant to a final resolution of claims and paid by the State and county, including but not limited to an allocation of the amount, purpose, and nature of a retroactive payment for each monthly period in which it would have been earned had the employee not been suspended or terminated, or had the employee received the compensation available to comparable employees, subject to the retroactive payments provided pursuant to a final resolution of claims and paid by the State or county as set forth in paragraphs (1)(A) and (B);
- (3) The employer has made a lump sum payment to the system in the amount of the actuarial present value, as determined by the system, of contributions that the employee would have contributed, as provided in this chapter, for the service and compensation to be certified pursuant to this section, which shall include compound interest thereon at the assumed rate of return; provided further that:
- (A) Class C service shall be credited at no cost; and
 - (B) Any portion of the lump sum payment in excess of the actuarial present value, as determined by the system, of contributions that the employee would have contributed, as provided in this

- chapter, for the service and compensation certified pursuant to this section, shall be returned to the employer;
- (4) As a condition of the employer's obligation under paragraph (3), the employee has paid to the employer the contributions the employee would have contributed, as provided in this chapter, for the service and compensation to be certified pursuant to this section;
 - (5) The employer has made a lump sum payment to the system in the amount of the actuarial present value, as determined by the system, of contributions that the employer would have contributed, as provided in this chapter, for the service and compensation to be certified pursuant to this section, which shall include compound interest thereon at the assumed rate of return; provided further that any portion of the lump sum payment in excess of the actuarial present value, as determined by the system, of contributions that the employer would have contributed, as provided in this chapter, for the service and compensation certified pursuant to this section, shall be returned to the employer;
 - (6) An employee who appeals an involuntary termination, is retroactively reinstated to employment pursuant to a final resolution of claims, and has:
 - (A) Been paid their accumulated contributions or hypothetical account balance after the involuntary termination date and as a result of the involuntary termination, has made a lump sum payment to the system in the amount of the actuarial present value, as determined by the system, of the accumulated contributions or hypothetical account that were paid to the employee; or
 - (B) Received an allowance on service retirement, ordinary disability retirement, or service-connected disability retirement after the involuntary termination date and as a result of the involuntary termination, has made a lump sum payment to the system in the amount of the actuarial present value, as determined by the system, of any allowance on service retirement, ordinary disability retirement, or service-connected disability retirement received by the employee; and
 - (7) Notwithstanding this section, if the system determines that a contribution exceeds the limits of any Internal Revenue Code requirements that apply to the system, the system shall not accept the contributions and shall return the contributions.
 - (b) As used in this section, "final resolution of claims" means:
 - (1) The final decision of a court, an administrative proceeding, or an arbitration proceeding from which either no appeal may be filed or no appeal has been filed within the time allowed;
 - (2) A stipulated judgment;
 - (3) A settlement of claims, including but not limited to a settlement of a labor grievance, that is in writing, signed, and dated by the parties to the settlement, and a court-approved settlement;
 - (4) A settlement adopted by court order or referenced in an order of dismissal;
 - (5) A third-party arbitrator's decision from which either no appeal may be filed or no appeal has been filed within the time allowed; or
 - (6) A settlement or other final resolution of an appeal or challenge from which either no appeal may be filed or no appeal has been filed within the time allowed."

SECTION 3. Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of “service” to read as follows:

““Service”: service as an employee paid by the State or county, and also: [service]

- (1) Service during the period of a leave of absence or exchange if the individual is paid by the State or county during the period of the leave of absence or exchange; ~~and service~~
- (2) Service during the period of an unpaid leave of absence or exchange if the individual is engaged in the performance of a governmental function or if the unpaid leave of absence is an approved leave of absence for professional improvement; provided that, for the period of the leave of absence or exchange without pay, the individual makes the same contribution to the system as the individual would have made if the individual had not been on the leave of absence[-]; and
- (3) Service pursuant to section 88-

Cafeteria managers and cafeteria workers shall be considered as paid by the State, regardless of the source of funds from which they are paid.”

SECTION 4. Section 88-21.5, Hawaii Revised Statutes, is amended to read as follows:

“**§88-21.5 Compensation.** (a) For a member who became a member before July 1, 2012[-, unless]:

- (1) Unless a different meaning is plainly required by context, “compensation” as used in this part[-, “~~compensation~~”] means:
 - ~~[(+)]~~ (A) Normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;
 - ~~[(2)]~~ (B) Overtime, differentials, and supplementary payments;
 - ~~[(3)]~~ (C) Bonuses and lump sum salary supplements; ~~[and]~~
 - ~~[(4)]~~ (D) Elective salary reduction contributions under sections 125, 403(b), and 457(b) of the Internal Revenue Code of 1986, as amended[-]; and
 - (E) Retroactive payments of those purposes and nature authorized in subparagraphs (A) through (D), and certified as compensation pursuant to section 88-
- (2) Bonuses and lump sum salary supplements shall be deemed earned when payable; provided that bonuses or lump sum salary supplements in excess of one-twelfth of compensation for the twelve months ~~[prior to]~~ before the month in which the bonus or lump sum salary supplement is payable, exclusive of overtime, bonuses, and lump sum salary supplements, shall be deemed earned:
 - ~~[(+)]~~ (A) During the period agreed-upon by the employer and employee, but in any event over a period of ~~[not]~~ no less than twelve months; or
 - ~~[(2)]~~ (B) In the absence of an agreement between the employer and the employee, over the twelve months ~~[prior to]~~ before the date on which the bonus or lump sum salary supplement is payable[-]; and
- (3) Retroactive payments shall be deemed earned when it would have been earned, as determined by the system pursuant to section 88-
- (b) For a member who becomes a member after June 30, 2012, unless a different meaning is plainly required by context, “compensation” as used in this part:

- (1) Means:
 - (A) The normal periodic payments of money for service, the right to which accrues on an hourly, daily, monthly, or annual basis;
 - (B) Shortage differentials;
 - (C) Elective salary reduction contributions under sections 125, 403(b), and 457(b) of the Internal Revenue Code of 1986, as amended; ~~and~~
 - (D) Twelve-month differentials for employees of the department of education; and
 - (E) Retroactive payments of those purposes and nature of payments authorized in subparagraphs (A) through (D), and certified as compensation pursuant to section 88- ;
- (2) Shall not include any other additional or extra payments to an employee or officer, including overtime, supplementary payments, bonuses, lump sum salary supplements, allowances, or differentials, including differentials for stand-by duty, temporary unusual work hazards, compression differentials, or temporary differentials, except for those expressly authorized pursuant to ~~[subsection (b)(1)(B), (b)(1)(C), and (b)(1)(D);]~~ paragraphs (1)(B) through (1)(E); and
- (3) Retroactive payments shall be deemed earned when it would have been earned, as determined by the system pursuant to section 88- .”

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 1, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 47

S.B. NO. 415

A Bill for an Act Relating to Wages.

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

SECTION 1. Chapter 388, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§388- Contractor liability; unpaid wages. (a) A general contractor entering into or under a contract in the State for the erection, construction, alteration, or repair of a building, structure, or other private construction work not subject to chapter 104 shall assume and be liable for any debt owed to a claimant for wages incurred by a subcontractor at any tier acting under, by, or for the general contractor, for the claimant’s performance of labor included in the contract between the general contractor and the owner. The general contractor’s liability under this section shall extend only to unpaid wages to the claimant, including any interest owed, but shall not extend to penalties, consequential or liquidated damages, or any benefit, fringe benefit, or contribution claims.

A general contractor shall not evade or commit any act that negates the requirements of this section; provided that this section does not prohibit a gen-

eral contractor or subcontractor from contracting with or enforcing any lawful remedies against a subcontractor for the liability created by the nonpayment of wages by the subcontractor or by a subcontractor at any tier working under another subcontractor.

(b) Notwithstanding any law to the contrary, actions to enforce a general contractor's liability for unpaid wages may include the following:

- (1) The director may enforce liability for unpaid wages established by subsection (a) against a general contractor; provided that the general contractor's liability shall be limited to unpaid wages, including any interest owed; or
- (2) A joint labor-management cooperation committee established pursuant to section 175a of the federal Labor Management Cooperation Act of 1978 (29 U.S.C. 175a) may bring an action in any court of competent jurisdiction against a general contractor or subcontractor at any tier for unpaid wages owed to a claimant by the general contractor or subcontractor for the performance of private construction work not subject to chapter 104, including unpaid wages owed by the general contractor, pursuant to subsection (a). The court may award a prevailing party in the action reasonable attorney's fees and costs, including expert witness fees; provided that attorney's fees and costs, including expert witness fees, shall not be awarded against a general contractor for unpaid wages except for those of its direct employees. As a condition precedent to an action against a general contractor to enforce the liability established by subsection (a), the committee shall provide written notice to the general contractor and subcontractor who employed the claimant, within ninety days from the date on which the person did or performed the labor for which claim is made, but no later than forty-five days after the date of completion as defined in section 507-43, stating with substantial accuracy the amount claimed and the name of the party for whom the labor was done or performed. The written notice shall be served by registered or certified mail to the general contractor and subcontractor at any place the general contractor or subcontractor maintains an office or conducts their business, or in any manner authorized by law to serve notice. The written notice shall not limit the liability of the general contractor or preclude subsequent amendments of an action to encompass additional claimants employed by the subcontractor.

No other party may bring an action against a general contractor to enforce the liability established in this section.

(c) Unless otherwise provided by law, property of the general contractor may be attached for the payment of any judgment received after trial and pursuant to this section.

(d) An action brought pursuant to this section shall be filed within one year from the date on which the person did or performed the labor for which the claim is made, but no later than forty-five days after the date of completion as defined in section 507-43.

(e) This section does not apply to work performed by an employee of the State or any political subdivision of the State.

(f) Upon request by a general contractor to a subcontractor, the subcontractor and any lower tier subcontractors under contract with the subcontractor shall provide payroll records, which, at a minimum, shall contain the information set forth in section 387-6 of its employees who are providing labor on a private construction work. The payroll records shall be marked or obliterated only to prevent disclosure of an employee's full social security number,

except that the last four digits of the employee's social security number shall be provided. Upon request of a general contractor to a subcontractor, the subcontractor and any lower tier subcontractors under contract with the subcontractor shall provide the general contractor with award information that includes the project name, name and address of the subcontractor, lower-tier subcontractor with whom the subcontractor is under contract, anticipated start date, duration, estimated journey person and apprentice hours, and contact information for the subcontractors on the project. A subcontractor's failure to comply with this subsection shall not relieve a general contractor from any of the obligations contained in this section.

(g) The obligations and remedies in this section shall be in addition to any obligations and remedies otherwise provided by law, except that nothing in this section shall be construed to impose liability on a general contractor for anything other than unpaid wages to the claimant, including any interest owed, and shall not extend to penalties, consequential or liquidated damages, or any benefit, fringe benefit, or contribution claims.

(h) Nothing in this section shall alter an owner's obligation to pay a general contractor, or the general contractor's obligation to pay a subcontractor, in a timely manner; provided that a general contractor may withhold all sums owed to a subcontractor if the subcontractor does not provide the information requested under subsection (f) in a timely manner and until the time that the information is provided.

(i) The provisions of this section shall be severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(j) For purposes of this section:

"General contractor" means a contractor who has a direct contractual relationship with an owner.

"Subcontractor" means a contractor who does not have a direct contractual relationship with an owner. "Subcontractor" includes a contractor who has a contractual relationship with a general contractor or with another subcontractor."

SECTION 2. Section 388-1, Hawaii Revised Statutes, is amended by amending the definition of "employer" to read as follows:

"Employer" includes any individual^[-]; partnership^[-]; association^[-]; joint-stock company^[-]; trust^[-]; corporation^[-]; the personal representative of the estate of a deceased individual or the receiver, trustee, or successor of any of the same^[-]; general contractor, for purposes of wages owed to the employees of a subcontractor, as those terms are defined in section 388- ; employing any person, but shall not include the State or any political subdivision thereof or the United States."

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 upon its approval.

(Approved June 1, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Taxation.

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

PART I

SECTION 1. The legislature finds that the development of housing is of critical importance to the State. Historically, the development of infrastructure (e.g., water, drainage, sewer, waste disposal, and waste treatment systems) to support housing has been the responsibility of the developers of housing projects. Accordingly, housing developers were responsible for raising large, additional amounts of capital to finance required infrastructure. These high infrastructure costs have often been cited by developers as a major impediment. Furthermore, these costs are ultimately passed on to homebuyers. This drives up the prices of new homes and is a reason why homes are so expensive, to the point of being unattainable for many local families.

The legislature further finds that because developers are focused on their specific housing developments, there are few incentives for the developers to design infrastructure in a manner that takes into account state and county planning objectives, long-range planning, or regional or island-wide cohesion. As a result, infrastructure development is often done in a haphazard, piecemeal manner that has caused problems for county residents and governments alike. For example, this has resulted in infrastructure being developed in inconvenient locations, far from necessary societal services to which residents would require access.

Accordingly, the legislature finds that it is in the best interest of the people of Hawaii to implement a policy shift with regard to the development of housing. Specifically, the counties, rather than private developers, should be responsible for the location, planning, and development of infrastructure to support housing. The legislature believes that authorizing a county to use revenues from the county surcharge on state tax for housing infrastructure would provide the funding necessary to effect this change in policy.

The legislature believes that the implementation of this policy would result in more efficient community planning. In particular, because counties typically take ownership of infrastructure upon completion of a housing project, it makes sense for the counties to also take ownership over the placement and planning of infrastructure and the infrastructure construction process. By taking charge of this process, counties would be able to direct the development of housing in locations that make the most sense. Counties can also ensure that infrastructure systems are designed in a manner that minimizes long-term operational and maintenance costs, allowing for better management of public resources.

Perhaps most significantly, under this policy, housing developers would no longer need to finance the costs of installing infrastructure up front, and homebuyers would no longer see these high costs passed on to them. This will result in lower housing prices, making home ownership attainable for more residents, and situating new housing developments closer to needed societal services.

Accordingly, the purpose of this Act is to:

- (1) Extend the period within which a county may adopt a surcharge on state tax, under certain conditions, from March 31, 2019, to December 31, 2023;
- (2) Authorize, in certain instances, the use of county surcharge revenues for housing infrastructure; and

- (3) Temporarily authorize counties that have previously adopted a surcharge on state tax to amend the uses of the surcharge.

PART II

SECTION 2. Section 46-16.8, Hawaii Revised Statutes, is amended to read as follows:

“§46-16.8 County surcharge on state tax. (a) Each county may establish a surcharge on state tax at the rates enumerated in sections 237-8.6 and 238-2.6. A county electing to establish this surcharge shall do so by ordinance; provided that:

- (1) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance;
- (2) The ordinance shall be adopted ~~[prior to]~~ before December 31, 2005; and
- (3) No county surcharge on state tax that may be authorized under this subsection shall be levied ~~[prior to]~~ before January 1, 2007, or after December 31, 2022, unless extended pursuant to subsection (b).

Notice of the public hearing required under paragraph (1) shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days immediately preceding the date of the hearing.

A county electing to exercise the authority granted under this subsection shall notify the director of taxation within ten days after the county has adopted a surcharge on state tax ordinance and, beginning no earlier than January 1, 2007, the director of taxation shall levy, assess, collect, and otherwise administer the county surcharge on state tax.

(b) Each county that has established a surcharge on state tax ~~[prior to]~~ before July 1, 2015, under authority of subsection (a) may extend the surcharge until December 31, 2030, at the same rates. A county electing to extend this surcharge shall do so by ordinance; provided that:

- (1) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance; and
- (2) The ordinance shall be adopted ~~[prior to]~~ before January 1, 2018.

A county electing to exercise the authority granted under this subsection shall notify the director of taxation within ten days after the county has adopted an ordinance extending the surcharge on state tax. The director of taxation shall levy, assess, collect, and otherwise administer the extended surcharge on state tax.

(c) Each county that has not established a surcharge pursuant to subsection (a) on state tax ~~[prior to]~~ before July 1, 2015, may establish the surcharge at the rates enumerated in sections 237-8.6 and 238-2.6. A county electing to establish this surcharge shall do so by ordinance; provided that:

- (1) No ordinance shall be adopted until the county has conducted a public hearing on the proposed ordinance;
- (2) The ordinance shall be adopted ~~[prior to March 31, 2019;]~~ before December 31, 2023; and
- (3) No county surcharge on state tax that may be authorized under this subsection shall be levied ~~[prior to]~~ before January 1, 2019, or after December 31, 2030.

A county electing to exercise the authority granted under this subsection shall notify the director of taxation within ten days after the county has adopted a surcharge on state tax ordinance. Beginning on January 1, 2019, ~~[on]~~ January 1, 2020, January 1, 2024, or January 1, 2025, as applicable pursuant to sections

237-8.6 and 238-2.6, the director of taxation shall levy, assess, collect, and otherwise administer the county surcharge on state tax.

(d) Each county that has established a surcharge on state tax before March 31, 2019, under subsection (a) or (c) may amend the surcharge ordinance to change the authorized uses of surcharge revenues, pursuant to subsection (g); provided that:

(1) No ordinance shall be amended pursuant to this section until the county has conducted a public hearing on the proposed amendment; and

(2) The ordinance shall be amended before December 31, 2023.

~~[(d)]~~ (e) Notice of the public hearing required under subsection (b) [or], (c), or (d), before adoption or amendment of an ordinance establishing or extending the surcharge on state tax shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days immediately preceding the date of the hearing.

~~[(e)]~~ (f) Each county with a population greater than five hundred thousand that adopts or extends a county surcharge on state tax ordinance pursuant to subsection (a) or (b) shall use the surcharge revenues received from the State for capital costs of a locally preferred alternative for a mass transit project; provided that revenues derived from the county surcharge on state tax shall not be used:

- (1) To build or repair public roads or highways, bicycle paths, or support public transportation systems already in existence [prior to] before July 12, 2005;
- (2) For operating costs or maintenance costs of the mass transit project or any purpose not consistent with this subsection; or
- (3) For administrative or operating, marketing, or maintenance costs, including personnel costs, of a rapid transportation authority charged with the responsibility for constructing, operating, or maintaining the mass transit project;

provided further that nothing in this section shall be construed to prohibit a county from using county funds that are not derived from a surcharge on state tax for a purpose described in paragraph (2) or (3).

~~[(f)]~~ (g) Each county [with] having a population equal to or less than five hundred thousand that adopts a county surcharge on state tax ordinance pursuant to this section shall use the surcharges received from the State for:

- (1) Operating or capital costs of public transportation within each county for public transportation systems, including [public]:
 - (A) Public roadways or highways[-, public];
 - (B) Public buses[-, trains, ferries, pedestrian];
 - (C) Trains;
 - (D) Ferries;
 - (E) Pedestrian paths or sidewalks[-]; or [bicycle]
 - (F) Bicycle paths; [and]
- (2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to paragraph (1)[-]; and
- (3) Housing infrastructure; provided that a county that uses surcharge revenues for housing infrastructure shall not pass on those housing infrastructure costs to the developer of a housing project; provided further that this paragraph shall apply only if a county amended its surcharge ordinance pursuant to subsection (d) or adopts a county surcharge on state tax ordinance after December 31, 2022;

provided that each county having a population equal to or less than five hundred thousand that adopts a county surcharge on state tax ordinance pursuant to this

section after December 31, 2022, shall use the surcharge revenues received from the State only for the purposes described in paragraph (3).

~~(g)~~ (h) As used in this section ~~“capital”~~:

“Capital costs” means nonrecurring costs required to construct a transit facility or system, including debt service, costs of land acquisition and development, acquiring of rights-of-way, planning, design, and construction, and including equipping and furnishing the facility or system. For a county with a population greater than five hundred thousand, capital costs also include non-recurring personal services and other overhead costs that are not intended to continue after completion of construction of the minimum operable segment of the locally preferred alternative for a mass transit project.

“Housing infrastructure” includes pedestrian paths or sidewalks on a county road near or around a public school, and water, drainage, sewer, water reuse, waste disposal, and waste treatment systems that connect to the infrastructure of the county.”

SECTION 3. Section 237-8.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each county surcharge on state tax that may be adopted ~~[or]~~, extended, or amended pursuant to section 46-16.8 shall be levied beginning in a taxable year after the adoption of the relevant county ordinance; provided that no surcharge on state tax may be levied:

(1) ~~[Prior to:]~~ Before:

- (A) January 1, 2007, if the county surcharge on state tax was established by an ordinance adopted ~~[prior to]~~ before December 31, 2005;
- (B) January 1, 2019, if the county surcharge on state tax was established by the adoption of an ordinance after June 30, 2015, but ~~[prior to]~~ before June 30, 2018; ~~[or]~~
- (C) January 1, 2020, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2018, but ~~[prior to]~~ before March 31, 2019; ~~[and]~~
- (D) January 1, 2024, if the county surcharge on state tax was established by the adoption of an ordinance on or after March 31, 2019, but before August 1, 2023; or
- (E) January 1, 2025, if the county surcharge on state tax was established by the adoption of an ordinance on or after August 1, 2023, but before December 31, 2023; and

(2) After December 31, 2030.”

SECTION 4. Section 238-2.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each county surcharge on state tax that may be adopted ~~[or]~~, extended, or amended shall be levied beginning in a taxable year after the adoption of the relevant county ordinance; provided that no surcharge on state tax may be levied:

(1) ~~[Prior to:]~~ Before:

- (A) January 1, 2007, if the county surcharge on state tax was established by an ordinance adopted ~~[prior to]~~ before December 31, 2005;
- (B) January 1, 2019, if the county surcharge on state tax was established by the adoption of an ordinance after June 30, 2015, but ~~[prior to]~~ before June 30, 2018; ~~[or]~~

- (C) January 1, 2020, if the county surcharge on state tax was established by the adoption of an ordinance on or after June 30, 2018, but ~~[prior to]~~ before March 31, 2019; ~~[and]~~
 - (D) January 1, 2024, if the county surcharge on state tax was established by the adoption of an ordinance on or after March 31, 2019, but before August 1, 2023; or
 - (E) January 1, 2025, if the county surcharge on state tax was established by the adoption of an ordinance on or after August 1, 2023, but before December 31, 2023; and
- (2) After December 31, 2030.”

PART III

SECTION 5. Section 23-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Beginning on September 5, 2017, and ending on December 31, 2031, the auditor, on an annual basis, shall conduct a review of any rapid transportation authority in the State charged with the responsibility of constructing, operating, or maintaining a locally preferred alternative for a mass transit project that receives moneys from a surcharge on state tax established pursuant to section 46-16.8, transient accommodations tax revenues pursuant to section 237D-2(e), or both. The annual review shall include a review of documents, including but not limited to invoices, contracts, progress reports, and time schedules, to determine that:

- (1) Expenditures by the authority comply with the criteria established pursuant to section ~~[46-16.8(e);]~~ 46-16.8(f); and
- (2) The authority follows accounting best practices for substantiating its expenditures.”

SECTION 6. Section 40-81.5, Hawaii Revised Statutes, is amended as follows:

- 1. By amending subsection (a) to read:

“(a) Beginning on September 5, 2017, and ending on December 31, 2031, the comptroller, upon the request for payment by the rapid transportation authority, shall verify that the authority’s invoices for the capital costs of a locally preferred alternative for a mass transit project comply with section ~~[46-16.8(e)-]~~ 46-16.8(f).”

- 2. By amending subsection (c) to read:

“(c) After submission of invoices by the rapid transportation authority for capital costs of a locally preferred alternative for a mass transit project are verified by the comptroller as an acceptable use of funds received pursuant to a surcharge on state tax authorized pursuant to section 46-16.8, the comptroller shall submit a certification statement, including any appropriate supporting documents, to the department of budget and finance for the allocation of funds, if available, pursuant to sections 248-2.7 and 248-2.6(d). The certification statement shall include, at a minimum, the total amount contained in the invoices for capital costs that are verified as an appropriate use of funds pursuant to section ~~[46-16.8(e)-]~~ 46-16.8(f).”

SECTION 7. Section 248-2.7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Upon receiving a certification statement from the comptroller pursuant to section 40-81.5, the director of finance shall allocate and disburse moneys in the mass transit special fund to the director of finance of a county with

a population greater than five hundred thousand; provided that the director of finance shall only disburse those amounts that are certified in the certification statement for that county for the purposes specified in section 46-16.8; provided further that revenues allocated from the special fund shall not be used for:

- (1) Operating or maintenance costs of the mass transit project or any purpose not consistent with section ~~[46-16.8(e);]~~ 46-16.8(f); or
- (2) Administrative, operating, marketing, or maintenance costs, including personnel costs, of a rapid transportation authority charged with the responsibility for constructing, operating, or maintaining the mass transit project;

provided further that the total amount of funds that are available, allocated, and disbursed by the director of finance pursuant to this section shall not be in excess of the total amount indicated on the certification statement. The director of finance may allocate and disburse moneys pursuant to this section on a monthly basis.

Any amounts allocated and disbursed pursuant to this section shall be subject to the availability of funds deposited and on balance in the special fund. The director of finance shall not allocate or disburse any amounts from the special fund that are in excess of any amounts deposited and on balance in the special fund.”

PART IV

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 June 1, 2023.)

ACT 49

H.B. NO. 33

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 “[r]eimbursable 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 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 2022-2023 and estimated for each fiscal year from 2023-2024 to 2026-2027, is as follows:

<u>Fiscal Year</u>	<u>Net General Fund Revenues</u>	<u>Debt Limit</u>
2019-2020	\$7,631,208,089	
2020-2021	8,249,554,335	
2021-2022	10,205,616,785	
2022-2023	10,313,714,000	\$1,608,660,051
2023-2024	10,698,355,000	1,774,081,249
2024-2025	11,064,917,000	1,925,090,623
2025-2026	11,439,630,000	1,978,080,803
2026-2027	(not applicable)	2,047,512,290

For fiscal years 2022-2023, 2023-2024, 2024-2025, 2025-2026, and 2026-2027, 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 2019-2020, 2020-2021, and 2021-2022 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, 2022, dated November 29, 2022. The net general fund revenues for fiscal years 2022-2023 to 2025-2026 are estimates, based on general fund revenue estimates made as of March 7, 2023, by the council on revenues, the body assigned by article VII, section 7, of the Hawaii State Constitution to make these 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 Hawaii State Constitution, for determining the power of the State to issue general obligation bonds within

the debt limit as of April 1, 2023, is as follows for fiscal year 2023-2024 to fiscal year 2029-2030:

<u>Fiscal Year</u>	<u>Principal and Interest</u>
2023-2024	\$1,011,707,878
2024-2025	971,212,418
2025-2026	974,784,421
2026-2027	819,294,680
2027-2028	792,931,828
2028-2029	761,856,165
2029-2030	715,205,173

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 2030-2031 to fiscal year 2041-2042 when the final installment of \$121,372,882 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 Hawaii 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, 2023, adjusted for:
 - (i) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill No. 300, H.D. 1, S.D. 1, C.D. 1¹ (the General Appropriations Act of 2023);
 - (ii) Lapses as provided in House Bill No. 300, H.D. 1, S.D. 1, C.D. 1¹ (the General Appropriations Act of 2023);
 - (iii) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill No. 382, H.D. 1, S.D. 3, C.D. 1² (the Judiciary Appropriations Act of 2023); and
 - (iv) Lapses as provided in House Bill No. 382, H.D. 1, S.D. 3, C.D. 1² (the Judiciary Appropriations Act of 2023);

the total amount of authorized but unissued general obligation bonds is \$4,132,766,036. The total amount of general obligation bonds authorized in this Act is \$1,253,972,000. The total amount of general obligation bonds previously authorized and unissued, as adjusted, and the general obligation bonds authorized in this Act is \$5,386,738,036.
 - (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 Hawaii State Constitution.

- (5) Proposed general obligation bond issuance. As reported therein for the fiscal years 2022-2023, 2023-2024, 2024-2025, 2025-2026, and 2026-2027, the State proposes to issue \$775,000,000 in general obligation bonds during the second half of fiscal year 2022-2023, \$625,000,000 in general obligation bonds semi-annually during fiscal year 2023-2024, \$575,000,000 in general obligation bonds semi-annually during fiscal years 2024-2025 and 2025-2026, and \$550,000,000 in general obligation bonds semi-annually during fiscal year 2026-2027. The State anticipates issuing a combination of twenty-year serial bonds with principal repayments beginning the first year and seven-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 2022-2023 to 2025-2026 is \$4,325,000,000. An additional \$1,100,000,000 is proposed to be issued in fiscal year 2026-2027. The total amount of \$4,325,000,000 that is proposed to be issued through fiscal year 2025-2026 is sufficient to meet the requirements of the authorized and unissued bonds, as adjusted, the total amount of which is \$5,386,738,036 reported in paragraph (4), except for \$1,061,738,036. It is assumed that the appropriations to which an additional \$1,061,738,036 in bond issuance needs to be applied will have been encumbered as of June 30, 2026. The \$1,100,000,000 that is proposed to be issued in fiscal year 2026-2027 will be sufficient to meet the requirements of the June 30, 2026, encumbrances in the amount of \$1,061,738,036. The amount of assumed encumbrances as of June 30, 2026, 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, 2026, and the amount of June 30, 2026, encumbrances versus the amount of bonds proposed to be issued in fiscal year 2026-2027, 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 0.47 per cent for approximately ten years from fiscal year 2023-2024 to fiscal year 2032-2033. For the purpose of this declaration, the assumption is made that 0.25 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 (7); and 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 Hawaii State Constitution for the fiscal years 2022-2023, 2023-2024, 2024-2025, 2025-2026, and 2026-2027 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>
2022-2023	9,520,627,429
2023-2024	10,767,507,429
2024-2025	11,914,637,429
2025-2026	13,061,767,429
2026-2027	14,159,017,429

Based on the foregoing and based on the assumption that the full amount of a guaranty is immediately due and payable when the 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 Hawaii 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 these 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 6.75 per cent in fiscal years 2023 through 2027, 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 the bond 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 2022-2023 \$773,065,000	1,608,660,051	1,117,436,712 (2023-2024)
1st half FY 2023-2024 \$623,440,000	1,774,081,249	1,159,621,994 (2025-2026)
2nd half FY 2023-2024 \$623,440,000	1,774,081,249	1,240,116,181 (2025-2026)
1st half FY 2024-2025 \$573,565,000	1,925,090,623	1,312,988,756 (2025-2026)
2nd half FY 2024-2025 \$573,565,000	1,925,090,623	1,387,054,394 (2025-2026)
1st half FY 2025-2026 \$573,565,000	1,978,080,803	1,406,412,212 (2025-2026)
2nd half FY 2025-2026 \$573,565,000	1,978,080,803	1,406,412,212 (2025-2026)
1st half FY 2026-2027 \$548,625,000	2,047,512,290	1,418,917,324 (2027-2028)
2nd half FY 2026-2027 \$548,625,000	2,047,512,290	1,489,749,512 (2027-2028)

- (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 these matters shall 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. 300, H.D. 1, S.D. 1, C.D. 1¹ (the General Appropriations Act of 2023) and House Bill No. 382, H.D. 1, S.D. 3, C.D. 1² (the Judiciary Appropriations Act of 2023); passed by the legislature during this regular session of 2023 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 \$1,253,972,000. The proceeds of the general obligation bonds herein authorized are intended to be applied to finance projects and/or to reimburse expenditures made for projects after the effective date of this Act for the purpose for which such bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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 a 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 June 1, 2023.)

Notes

1. Act 164.
2. Act 70.

ACT 50

S.B. NO. 1437

A Bill for an Act Relating to Pass-Through Entity Taxation.

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

SECTION 1. The purpose of this Act is to establish a state tax law to permit certain entities to elect to pay Hawaii income tax at the entity level. This Act will help Hawaii's small businesses by allowing taxpayers to deduct Hawaii state income taxes paid on their federal income tax returns. These deductions from federal taxable income were eliminated through changes to the federal tax code in 2017, which deprived Hawaii taxpayers of significant federal tax benefits. This Act will bring Hawaii into conformity with the majority of other

states that already permit similar elections by so-called “pass-through entities” to pay state income taxes.

SECTION 2. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“§235- Pass-through entity taxation election. (a) A partnership or S corporation may elect to be taxed pursuant to this section as an electing pass-through entity in any tax year; provided that a separate election shall be made for each taxable year. An election made pursuant to this subsection shall be filed in the form and manner prescribed by the director of taxation and signed by:

- (1) Each member of the entity who is a member at the time the election is filed; or
- (2) Any officer, manager, or member of the entity who is authorized to make the election and who attests to having such authorization under penalty of perjury;

provided that once the election is made, it shall be irrevocable for that taxable year and shall be binding on all partners, shareholders, and members of the electing pass-through entity.

(b) Notwithstanding any provision of law to the contrary, the following tax is imposed on each electing pass-through entity: the sum of all member’s distributive shares and guaranteed payments of Hawaii taxable income as calculated under this chapter, multiplied by the highest rate of tax applicable to the individual under section 235-51; provided that the distributive shares and guaranteed payments of members who are corporations shall not be included in the sum and shall not be subject to the tax under this section. If the income calculated pursuant to this subsection reflects a net loss for the electing pass-through entity, the net loss may be carried forward to subsequent tax years for as long as the electing pass-through entity elects to be subject to the tax pursuant to this section until exhausted.

(c) A nonresident individual who is a member of an electing pass-through entity shall not be required to file an income tax return pursuant to this chapter for a tax year if the member’s only source of Hawaii income is from electing pass-through entities and the electing pass-through entity or entities file and pay the tax due under this section.

(d) Each electing pass-through entity shall report to each of its members, for each tax year, the member’s pro rata share of the tax imposed pursuant to this section.

(e) Each member of an electing pass-through entity whose distributive share or guaranteed payment of Hawaii taxable income is subject to tax under this section shall be entitled to a credit equal to the member’s share of the tax paid pursuant to this section. If the amount of the credit authorized by this subsection exceeds the member’s tax liability imposed pursuant to this chapter, the excess amount shall not be refundable to the member. Any member claiming a credit shall not be entitled to deduct from the member’s Hawaii state taxable income those amounts of Hawaii state income taxes paid by the member on the member’s distributive share or guaranteed payment of income from the electing pass-through entity.

(f) Each member that is subject to the tax imposed by this chapter as a resident or part-year resident of the State shall be entitled to a credit for the direct member’s or indirect member’s pro rata share of taxes paid to another state or to the District of Columbia, on income of any partnership or S corporation of which the person is a member; provided that the taxes paid to another state

or to the District of Columbia result from a tax that the director of taxation determines is substantially similar to the tax imposed pursuant to this section. Any credit shall be calculated in a form and manner prescribed by the director of taxation; provided that the calculation is consistent with the provisions of this section. If the amount of the credit authorized by this subsection exceeds the member's tax liability for the tax imposed pursuant to this chapter, the excess amount shall not be refundable and shall not carry forward.

(g) The department of taxation may establish rules, pursuant to chapter 91, to implement this section.

(h) For purposes of this section:

"Direct member" means a member that holds an interest directly in an electing pass-through entity.

"Electing pass-through entity" means any eligible partnership or S corporation that elects to be subject to tax pursuant to subsection (a).

"Indirect member" means a member that itself holds an interest, through a direct member or indirect member that is a partnership or S corporation, in an electing pass-through entity.

"Member" means:

- (1) A shareholder of an S corporation;
- (2) A partner in a general partnership, a limited partnership, or a limited liability partnership; or
- (3) A member of a limited liability company that is treated as a partnership or S corporation for federal income tax purposes.

"Partnership" means the same as in the Internal Revenue Code. "Partnership" includes a limited liability company that is treated as a partnership for federal income tax purposes but does not include any publicly traded partnership within the meaning of section 7704 of the Internal Revenue Code.

"S corporation" means a corporation for which a valid election under section 1362(a) of the Internal Revenue Code is in effect."

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on January 1, 2024, and shall apply to taxable years beginning after December 31, 2022.

(Approved June 1, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 51

S.B. NO. 435

A Bill for an Act Relating to Public Works.

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

SECTION 1. Section 104-24, Hawaii Revised Statutes, is amended to read as follows:

§104-24 Violations; penalties. (a) Where the department finds that a first violation of this chapter has been committed, the department, after proper notice and opportunity for hearing, shall assess and order the person or firm in violation to be jointly and severally liable for a penalty equal to twenty-five per cent of the amount of back wages found due or \$250 ~~per~~ for each offense, up to \$2,500, whichever is greater.

(b) Where the department finds that a second violation of this chapter has been committed, whether on the same or another contract, within two years of the first notification of violation, the department, after proper notice and opportunity for hearing, shall assess and order the person or firm in violation to ~~pay~~ be jointly and severally liable for a penalty equal to the amount of back wages found due or \$500 for each offense, up to \$5,000, whichever is greater.

(c) Where the department finds that a third violation of this chapter has been committed, whether on the same or another contract, within three years of the second notification of violation, the department, after proper notice and opportunity for hearing, shall assess and order the person or firm in violation ~~to be~~:

- (1) ~~[To pay]~~ Jointly and severally liable for a penalty equal to two times the amount of back wages found due or \$1,000 for each offense, up to \$10,000, whichever is greater; and
- (2) ~~[To be suspended]~~ Suspended from doing any new work on any public work of a governmental contracting agency for a period of three years except as provided in section 104-25(a)(2). ~~[“New work on any public work” includes any public works project in which the suspended person or firm has not begun work at the job site as of the date of the suspension order.]~~ The suspension shall be effective on the later of the twenty-first day after the notification of violation has been sent, or upon the issuance of a decision pursuant to section 104-23(c).

(d) A first, second, or third violation refers to each project in which the department finds that a contractor has failed to comply with this chapter.

(e) Both the person and firm shall be listed on each notice of violation.

~~(e)~~ (f) For purposes of this section ~~[“offense”]~~:

“Firm” includes a corporation, limited liability company, partnership, and limited partnership.

“New work on any public work” includes any public works project in which the suspended person or firm has not begun work at the job site as of the date of the suspension order.

“Offense” means each section of this chapter under which the contractor is cited; provided that, with respect to prevailing wage and overtime citations under section 104-2, each employee and each project shall be considered a separate offense.

“Person” includes a sole proprietor and the principal responsible managing employee that holds the contractors license of the firm.”

SECTION 2. Section 104-25, Hawaii Revised Statutes, is amended to read as follows:

“§104-25 Suspension. (a) The director shall suspend a person ~~[or]~~ and firm as follows:

- (1) For a first or second violation, if a person or firm fails to pay wages found due~~;~~ or any penalty assessed, or both, the person ~~[or]~~ and firm shall be immediately suspended from doing any work on any public work of a governmental contracting agency until all wages and penalties are paid in full;
- (2) For a third violation, the suspension shall be as prescribed in section 104-24(c); provided that, if the person or firm continues to violate this chapter or fails to pay wages found due or any penalty assessed, or both, then the person ~~[or]~~ and firm shall immediately be suspended from doing any work on any public work of a governmental contracting agency for a mandatory three-year period. If after the three-year suspension period the wages found due or penalties as-

essed are still unpaid, the suspension shall remain in force until payment is made in full; or

- (3) For falsification of records, or for delay or interference with an investigation pursuant to section 104-22, the person [ØF] and firm shall be immediately suspended for a period of three years.

(b) The director shall immediately notify the governmental contracting agency, comptroller, [the] auditor or director of finance of the county, and, in the case of a suspended subcontractor, [the] general contractor of any suspension order.

(c) No contract shall be awarded to the person [ØF] and firm so suspended or to any firm, corporation, partnership, or association in which the person or firm has an interest, direct or indirect, until three years have elapsed from the date of suspension, unless the period of suspension is reduced or extended as herein provided. Any contract awarded in violation of this subsection shall be void.

(d) For purposes of this section, “person” shall have the same meaning as in section 104-24.”

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 1, 2023.)

ACT 52

S.B. NO. 1230

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 there are compelling interests in protecting public health, safety, and welfare from the serious hazards associated with firearms and gun violence. Although the United States Supreme Court has held that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes, the Second Amendment is not “a regulatory straightjacket”. *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.Ct. 2111, 2133 (2022). States retain authority to enact “a ‘variety’ of gun regulations”, *id.* at 2162 (Kavanaugh, J., concurring), such as prohibitions against the carrying of firearms in sensitive locations and laws and regulations designed to ensure that those who carry firearms are “law-abiding, responsible citizens”, *id.* at 2131, 2156 (internal citation omitted).

The purpose of this Act is to clarify, revise, and update Hawaii’s firearms laws to mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence, while respecting and protecting the lawful exercise of individual rights. To accomplish this purpose, this Act amends and enacts requirements and processes for obtaining a license to carry a firearm, updates criteria governing when firearm ownership, possession, or control is prohibited, defines locations and premises within the State where carrying or possessing a firearm is prohibited, prohibits leaving an unsecured firearm in a vehicle unattended, and enacts, amends, and clarifies other provisions relating to firearms.

In prohibiting carrying or possessing firearms in certain locations and premises within the State, this Act is intended to protect areas in which carrying or possessing dangerous weapons has traditionally been restricted, such as schools and other places frequented by children, government buildings, polling places, and other analogous locations.

This Act also respects the right of private individuals and entities to choose for themselves whether to allow or restrict the carrying of firearms on their property by providing that firearms shall not be carried on private property of another person without the express authorization of the owner, lessee, operator, or manager of the property. Recognizing the risks to public health, safety, and welfare associated with firearms and gun violence, and based on the legislature’s assessment of public sentiment and broadly shared preferences within the State, this Act establishes a default rule with respect to carrying firearms on private property of another person that provides for private entities to “opt-in” to authorize the public carry of firearms on their property.

This Act also adjusts certain regulatory fees relating to firearms. These adjustments are warranted because prior fee amounts were established by statute decades ago and have not been adjusted to reflect inflation and increased costs associated with background checks and investigations.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding seven new sections to part I to be appropriately designated and to read as follows:

“§134-A Carrying or possessing a firearm in certain locations and premises prohibited; penalty. (a) A person with a license issued under section 134-9, or authorized to carry a firearm in accordance with title 18 United States Code section 926B or 926C, shall not intentionally, knowingly, or recklessly carry or possess a loaded or unloaded firearm, whether the firearm is operable or not, and whether the firearm is concealed or unconcealed, while in any of the following locations and premises within the State:

- (1) Any building or office owned, leased, or used by the State or a county, and adjacent grounds and parking areas, including any portion of a building or office used for court proceedings, legislative business, contested case hearings, agency rulemaking, or other activities of state or county government;
- (2) Any public or private hospital, mental health facility, nursing home, clinic, medical office, urgent care facility, or other place at which medical or health services are customarily provided, including adjacent parking areas;
- (3) Any adult or juvenile detention or correctional facility, prison, or jail, including adjacent parking areas;
- (4) Any bar or restaurant serving alcohol or intoxicating liquor as defined in section 281-1 for consumption on the premises, including adjacent parking areas;
- (5) Any stadium, movie theater, or concert hall, or any place at which a professional, collegiate, high school, amateur, or student sporting event is being held, including adjacent parking areas;
- (6) All public library property, including buildings, facilities, meeting rooms, spaces used for community programming, adjacent grounds, and parking areas;
- (7) The campus or premises of any public or private community college, college, or university, and adjacent parking areas, including buildings, classrooms, laboratories, research facilities, artistic venues, and athletic fields or venues;

- (8) The campus or premises of any public school, charter school, private school, preschool, summer camp, or child care facility as defined in section 346-151, including adjacent parking areas, but not including:
 - (A) A private residence at which education is provided for children who are all related to one another by blood, marriage, or adoption; or
 - (B) A dwelling when not used as a child care facility;
 - (9) Any beach, playground, park, or adjacent parking area, including any state park, state monument, county park, tennis court, golf course, swimming pool, or other recreation area or facility under control, maintenance, and management of the State or a county, but not including an authorized target range or shooting complex;
 - (10) Any shelter, residential, or programmatic facility or adjacent parking area operated by a government entity or charitable organization serving unhoused persons, victims of domestic violence, or children, including children involved in the juvenile justice system;
 - (11) Any voter service center as defined in section 11-1 or other polling place, including adjacent parking areas;
 - (12) The premises of any bank or financial institution as defined in section 211D-1, including adjacent parking areas;
 - (13) Any place, facility, or vehicle used for public transportation or public transit, and adjacent parking areas, including buses, paratransit vans, bus shelters and terminals (but not including bus stops located on public sidewalks), trains, rail stations, and airports;
 - (14) Any amusement park, aquarium, carnival, circus, fair, museum, water park, or zoo, including adjacent parking areas; or
 - (15) Any public gathering, public assembly, or special event conducted on property open to the public, including any demonstration, march, rally, vigil, protest, picketing, or other public assembly, for which a permit is obtained from the federal government, the State, or a county, and the sidewalk or street immediately adjacent to the public gathering, public assembly, or special event; provided that there are signs clearly and conspicuously posted at visible places along the perimeter of the public gathering, public assembly, or special event.
- (b) This section shall not apply to a person in an exempt category identified in section 134-11(a). It shall be an affirmative defense to any prosecution under this section that a person is:
- (1) Carrying or possessing an unloaded firearm in a police station in accordance with section 134-23(a)(6), 134-24(a)(6), or 134-25(a)(6);
 - (2) Carrying or possessing an unloaded firearm at an organized, scheduled firearms show or exhibit;
 - (3) Lawfully carrying or possessing a firearm for hunting in compliance with section 134-5;
 - (4) A private security officer expressly authorized to carry or possess a weapon in a location or premises listed in subsection (a) by the owner, lessee, operator, or manager of the location or premises; provided that the private security officer is acting within the private security officer's scope of employment;
 - (5) Carrying or possessing an unloaded firearm in a courthouse for evidentiary purposes with the prior express authorization of the court;
 - (6) Lawfully present within the person's own home, other than a college or university dormitory or shelter or residential facility serving unhoused persons or victims of domestic violence;

- (7) Carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C in the immediate area surrounding the person's vehicle within a parking area for the limited purpose of storing or retrieving the firearm;
- (8) Possessing a firearm in an airport or any place, facility, or vehicle used for public transportation or public transit; provided that the firearm is unloaded and in a locked hard-sided container for the purpose of transporting the firearm;
- (9) Walking through a public gathering, public assembly, or special event if necessary to access the person's residence, place of business, or vehicle; provided that the person does not loiter or remain longer than necessary to complete their travel or business; or
- (10) Carrying a concealed firearm in accordance with title 18 United States Code section 926B or 926C in a location or premises within the State that is not a State or county property, installation, building, base, or park, and not a location or premises where a private person or entity has prohibited or restricted the possession of concealed firearms on their property.

(c) The presence of a person in any location or premises listed in subsection (a) shall be prima facie evidence that the person knew it was a location or premises listed in subsection (a).

(d) Where only a portion of a building or office is owned, leased, or used by the State or a county, this section shall not apply to the portion of the building or office that is not owned, leased, or used by the State or a county, unless carrying or possessing a firearm within that portion is otherwise prohibited by this section.

(e) As used in this section, "private security officer" means any person employed and duly licensed to engage in the private detective or guard business pursuant to chapter 463.

(f) Any person who violates this section shall be guilty of a misdemeanor.

(g) If any ordinance of any county of the State establishing locations where the carrying of firearms is prohibited is inconsistent with this section or with section 134-E, the ordinance shall be void to the extent of the inconsistency.

§134-B Duty to maintain possession of license while carrying a firearm; duty to disclose; penalty. (a) A person carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C shall have in the person's immediate possession:

- (1) The license issued under section 134-9 or documentation regarding the person's qualifications under title 18 United States Code section 926B or 926C;
- (2) Government-issued photo identification; and
- (3) Except with respect to firearms that are a part of the official equipment of any federal agency as provided under section 134-11(b), documentary evidence that the firearm being carried is registered under this chapter,

and shall, upon request from a law enforcement officer, present government-issued photo identification and the license or credentials and evidence of registration.

(b) When a person carrying a firearm, including a person carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C, is stopped by a law enforcement officer or is a driver or passenger in a vehicle stopped by a law enforcement

officer, the person carrying a firearm shall immediately disclose to the law enforcement officer that the person is carrying a firearm, and shall, upon request:

- (1) Identify the specific location of the firearm; and
- (2) Present to the law enforcement officer a license to carry a firearm issued under section 134-9 or documentation regarding the person's qualifications under title 18 United States Code section 926B or 926C.

(c) Any person who violates this section shall be guilty of a petty misdemeanor.

§134-C Leaving unsecured firearm in vehicle unattended; penalty. (a)

No person shall intentionally, knowingly, or recklessly store or otherwise leave a loaded or unloaded firearm out of the person's immediate possession or control inside a vehicle without first securely locking the firearm in a safe storage depository that is out of sight from outside of the vehicle.

(b) For purposes of this section, "safe storage depository" means a safe or other secure impact- and tamper-resistant container that, when locked, is incapable of being opened without a key, keypad, combination, or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to or possession of the firearm contained therein. A vehicle's trunk or glove box alone, even if locked, is not a safe storage depository.

(c) This section shall not apply to a person in an exempt category identified in section 134-11(a).

(d) Any person who violates subsection (a) shall be guilty of a petty misdemeanor.

§134-D Unlawful conduct while carrying a firearm; penalty. (a) A

person carrying a firearm shall not:

- (1) Consume alcohol or intoxicating liquor;
 - (2) Consume a controlled substance;
 - (3) Be under the influence of alcohol or intoxicating liquor; or
 - (4) Be under the influence of a controlled substance.
- (b) As used in this section:

"Alcohol" and "intoxicating liquor" shall have the same meaning as in section 281-1.

"Controlled substance" means a drug, substance, or immediate precursor in schedules I through III of part II of chapter 329.

(c) Any person who violates this section shall be guilty of a misdemeanor; provided that any person who violates this section by consuming or being under the influence of alcohol or an intoxicating liquor shall be guilty of a petty misdemeanor.

§134-E Carrying or possessing a firearm on private property of another person without authorization; penalty. (a) A person carrying a firearm pursuant to a license issued under section 134-9 shall not intentionally, knowingly, or recklessly enter or remain on private property of another person while carrying a loaded or unloaded firearm, whether the firearm is operable or not, and whether the firearm is concealed or unconcealed, unless the person has been given express authorization to carry a firearm on the property by the owner, lessee, operator, or manager of the property.

(b) For purposes of this section, express authorization to carry or possess a firearm on private property shall be signified by:

- (1) Unambiguous written or verbal authorization; or

(2) The posting of clear and conspicuous signage at the entrance of the building or on the premises, by the owner, lessee, operator, or manager of the property, or agent thereof, indicating that carrying or possessing a firearm is authorized.

(c) For purposes of this section:

“Private entity” means any homeowners’ association, community association, planned community association, condominium association, cooperative, or any other nongovernmental entity with covenants, bylaws, or administrative rules, regulations, or provisions governing the use of private property.

“Private property” does not include property that is owned or leased by any governmental entity.

“Private property of another person” means residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately owned or leased, unless the person carrying a firearm is an owner, lessee, operator, or manager of the property, including an ownership interest in a common element or limited common element of the property; provided that nothing in this chapter shall be construed to limit the enforceability of a provision in any private rental agreement restricting a tenant’s possession or use of firearms, the enforceability of a restrictive covenant restricting the possession or use of firearms, or the authority of any private entity to restrict the possession or use of firearms on private property.

(d) This section shall not apply to a person in an exempt category identified in section 134-11(a).

(e) Any person who violates this section shall be guilty of a misdemeanor.”¹

§134-F Annual report on licenses to carry. (a) No later than April 1, 2024, and April 1 of each year thereafter, the department of the attorney general shall publish a report on its publicly available website that includes, if available:

- (1) The number of licenses to carry applied for, issued, revoked, and denied, further categorized by the age, gender, race, and county of residence of each applicant or licensee;
- (2) The specific reasons for each revocation and denial;
- (3) Analysis of denials based on applicants’ failure to meet the standards of section 134-9(d), and recommendations to remedy any disparities in denial rates by age, gender, or race;
- (4) The number of appeals and appeals granted; and
- (5) The number of violations of section 134-A.

(b) No later than February 1 of each year, the chief of police of each county shall supply the department of the attorney general with the data the department requires to complete the report under subsection (a).

§134-G Failure to conceal a firearm by a concealed carry licensee; penalty. (a) A person commits the offense of failure to conceal a firearm by a concealed carry licensee if a person is carrying a firearm pursuant to a license issued under section 134-9(a) and intentionally, knowingly, or recklessly causes alarm to another person by failing to conceal the firearm, even briefly, whether the firearm was loaded or not, and whether operable or not.

(b) It shall be a defense to any prosecution under this section if the person:

- (1) Was within the person’s private residence; or
- (2) Caused the firearm to be unconcealed for the purpose of self-defense in accordance with section 703-304 or defense of another person in accordance with section 703-305.

(c) Failure to conceal a firearm by a concealed carry licensee shall be a petty misdemeanor.”

SECTION 3. Section 134-1, Hawaii Revised Statutes, is amended as follows:

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

““Concealed” means, in relation to a firearm, that the firearm is entirely hidden from view of the public and not discernible by ordinary observation, in a manner that a reasonable person without law enforcement training would be unable to detect the presence of the firearm.

“Criminal offense relating to firearms” means:

- (1) Any criminal offense under this chapter punishable as a misdemeanor;
- (2) Criminally negligent storage of a firearm under section 707-714.5; and
- (3) Any other criminal offense punishable as a misdemeanor under federal or state law or the law of another state, a United States territory, or the District of Columbia that has as an element of the offense the use, attempted use, threatened use, or possession of a firearm.

“Unconcealed” means not concealed.”

2. By amending the definition of “crime of violence” to read:

““Crime of violence” means [any];

- (1) Any offense[~~, as defined in title 37,~~ under federal or state law or the law of another state, a United States territory, or the District of Columbia that [involves injury] has as an element of the offense the:
 - (A) Injury or threat of injury to the person of another[~~, including sexual~~]; or
 - (B) Use, attempted use, or threatened use of physical force against the person or property of another or the creation of a substantial risk of causing bodily injury;
- (2) Reckless endangering in the second degree under section 707-714;
- (3) Terroristic threatening in the second degree under section 707-717;
- (4) Sexual assault in the fourth degree under section 707-733 [and harassment];
- (5) Endangering the welfare of a minor in the second degree under section 709-904;
- (6) Endangering the welfare of an incompetent person under section 709-905;
- (7) Harassment under section 711-1106(1)(a);
- (8) Harassment by stalking under section 711-1106.5[~~];~~;
- (9) Criminal solicitation under section 705-510; provided that the solicitation was for a crime described or listed in paragraphs (1) to (8);
- (10) Criminal conspiracy under section 705-520; provided that the conspiracy was for a crime described or listed in paragraphs (1) to (8); and
- (11) Offenses under federal law, or the law of another state, a United States territory, or the District of Columbia, that are comparable to the offenses described or listed in paragraphs (1) to (10).”

SECTION 4. Section 134-2, Hawaii Revised Statutes, is amended to read as follows:

“**§134-2 Permits to acquire.** (a) No person shall acquire the ownership of a firearm, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether

procured in the State or imported by mail, express, freight, or otherwise, until the person has first procured from 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 place of business nor residence, the person's place of sojourn, a permit to acquire the ownership of a firearm as prescribed in this section. When title to any firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of [a] the firearm; provided that upon presentation of a copy of the death certificate of the owner making the bequest, any heir or legatee may transfer the inherited or bequested firearm directly to a dealer licensed under section 134-31 or licensed by the United States Department of Justice without complying with the requirements of this section.

(b) The permit application form shall ~~include the~~:

(1) Include:

(A) The applicant's name, address, [sex,] gender, height, weight, date of birth, place of birth, country of citizenship, social security number, alien or admission number[~~, and information~~];

(B) Information regarding the applicant's mental health history;

(C) Any aliases or other names previously used by the applicant;

(D) Information that is or may be relevant in determining whether the applicant is disqualified under section 134-7 from the ownership, possession, or control of a firearm; and

(E) Information that is or may be relevant in determining whether the applicant lacks the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (e); and [shall require]

(2) Require the fingerprinting and photographing of the applicant by the police department of the county of registration; provided that where fingerprints and a photograph are already on file with the department, these may be waived.

(c) An applicant for a permit shall ~~sign~~:

(1) Sign a waiver at the time of application, allowing the chief of police of the county issuing the permit or a designee of the chief of police access to [any] all records that have a bearing on the mental health of the applicant[~~. The permit application form and the waiver form shall be prescribed by the attorney general and shall be uniform throughout the State.~~]; and

(2) Identify any health care providers who possess or may possess the records described in paragraph (1).

(d) The chief of police of the respective counties ~~[may]~~ shall issue permits to acquire firearms to ~~[citizens]~~:

(1) Citizens, nationals, or lawful permanent residents of the United States of the age of twenty-one years or more[~~, or duly~~];

(2) Duly accredited official representatives of foreign nations[~~, or duly~~];

(3) Duly commissioned law enforcement officers of the State who are aliens; provided that any law enforcement officer who is the owner of a firearm and who is an alien shall transfer ownership of the firearm within forty-eight hours after termination of employment from a law enforcement agency[~~. The chief of police of each county may issue permits to aliens~~];

(4) Aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, upon a showing that the alien has first procured a hunting license under chapter 183D, part II [~~. The chief of police of each county may issue permits to aliens~~]; and

(5) Aliens of the age of twenty-one years or more for use of firearms for a period not exceeding six months, upon a showing that the alien is in training for a specific organized sport-shooting contest to be held within the permit period.

The attorney general ~~shall~~ may adopt rules, pursuant to chapter 91, as to what constitutes sufficient evidence that an alien is in training for a sport-shooting contest.

Notwithstanding any law to the contrary and upon joint application, the chief of police may, upon request, issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section.

(e) The permit application form shall be signed by the applicant and ~~by the~~ issuing authority. One copy of the permit shall be retained by the issuing authority as a permanent official record. Except for sales to dealers licensed under section 134-31, ~~or~~ dealers licensed by the United States Department of Justice, ~~or~~ law enforcement officers, ~~or where a license is granted under section 134-9,~~ or where any firearm is registered pursuant to section 134-3(a), no permit shall be issued to an applicant earlier than fourteen calendar days after the date of the application; provided that a permit shall be issued or the application denied before the ~~twentieth~~ fortieth day from the date of application. Permits issued to acquire any pistol or revolver shall be void unless used within ~~ten~~ thirty days after the date of issue. Permits to acquire a pistol or revolver shall require a separate application and permit for each transaction. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under section 134-7 and ~~subject to~~ revocation under section 134-13; provided that if a permittee is arrested for committing a felony ~~or any~~, a crime of violence, a criminal offense relating to firearms, or for the illegal sale or distribution of any drug, the permit shall be impounded and ~~shall be~~ surrendered to the issuing authority. The issuing authority shall perform an inquiry on an applicant 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 issue a permit or to deny an application is made. The issuing authority shall not issue a permit to acquire the ownership of a firearm if an applicant is disqualified under section 134-7 from the ownership, possession, or control of a firearm, or if the issuing authority determines that issuance would not be in the interest of public health, safety, or welfare because the person lacks the essential character or temperament necessary to be entrusted with a firearm. In determining whether a person lacks the essential character or temperament necessary to be entrusted with a firearm, the issuing authority shall consider whether the person poses a danger of causing a self-inflicted bodily injury or unlawful injury to another person, as evidenced by:

- (1) Information from a health care provider indicating that the person has had suicidal or homicidal thoughts or tendencies within the preceding five years;
- (2) Statements or actions by the person indicating any dangerous propensity or violent animus toward one or more individuals or groups, including groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or any other characteristic, and the propensity or animus is of a nature or to an extent that would objectively indicate to a reasonable observer that it would not be in the interest of the public health, safety, or welfare for the person to own, possess, or control a firearm or ammunition; or
- (3) Other information that would lead a reasonable, objective observer to conclude that the person presents or would present a danger to the community as a result of acquiring or possessing a firearm or intends or is likely to use a firearm for an unlawful purpose or in an unlawful manner.

(f) In all cases where a pistol or revolver is acquired from another person within the State, the permit shall be signed in ink by the person to whom title to the pistol or revolver is transferred and shall be delivered to the person who is transferring title to the firearm, who shall verify that the person to whom the firearm is to be transferred is the person named in the permit and enter on the permit in the space provided the following information: name, address, and telephone number of the person who transferred the firearm; name, address, and telephone number of the person to whom the title to the firearm was transferred; names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number, as applicable. The person who is transferring title to the firearm shall sign the permit in ink and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after transferring the firearm.

In all cases where receipt of a firearm is had by mail, express, freight, or otherwise from sources ~~without~~ outside the State, the person to whom the permit has been issued shall make the prescribed entries on the permit, sign the permit in ink, and cause the permit to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm.

In all cases where a rifle or shotgun is acquired from another person within the State, the person who is transferring title to the rifle or shotgun shall submit, within forty-eight hours after transferring the firearm, to the authority that issued the permit to acquire, the following information, in writing: name, address, and telephone number of the person who transferred the firearm[;]; name, address, and telephone number of the person to whom the title to the firearm was transferred; names of the manufacturer and importer; model; type of action; caliber or gauge; and serial number, as applicable.

(g) ~~[Effective July 1, 1995, no]~~ No person shall be issued a permit under this section for the acquisition of a ~~[pistol or revolver]~~ firearm unless the person, ~~[at any time prior to]~~ within the four years before the issuance of the permit, has completed:

- (1) An approved hunter education course as authorized under section 183D-28[;], unless the applicant seeks to acquire a pistol or revolver, in which case the applicant shall complete a training satisfying the requirements of paragraph (2), (3), or (4);
- (2) A firearms safety or training course or class available to the general public offered by a law enforcement agency of the State or of any county;
- (3) A firearms safety or training course offered to law enforcement officers, security guards, investigators, deputy sheriffs, or any division or subdivision of law enforcement or security enforcement by a state or county law enforcement agency; or
- (4) A firearms training or safety course or class conducted by a ~~[state certified or National Rifle Association certified firearms instructor]~~ firearms instructor certified or verified by the chief of police of the respective county or a designee of the chief of police or certified by a nongovernmental organization approved for such purposes by the chief of police of the respective county or a designee of the chief of police, or conducted by a certified military firearms instructor; provided that the firearms training or safety course or class provides, at a minimum, a total of at least two hours of firing training at a firing range and a total of at least four hours of classroom instruction, which may include a video, that focuses on:
 - (A) The safe use, handling, and storage of firearms and firearm safety in the home[;], as well as a component on mental health, suicide prevention, and domestic violence issues associated with firearms and firearm violence; and
 - (B) Education on the firearm laws of the State.

An affidavit signed by the certified or verified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph~~[-]~~; provided that an instructor shall not submit an affidavit signed by the instructor for the instructor's own permit application.

(h) No person shall sell, give, lend, or deliver into the possession of another any firearm except in accordance with this chapter.

(i) No fee shall be charged for permits, or applications for permits, under this section, except for a single fee chargeable by and payable to the issuing county~~[-, for individuals applying for their first permit,]~~ in an amount equal to the fee charged by the Hawaii criminal justice data center pursuant to section 846-2.7. In the case of a joint application, the fee provided for in this section may be charged to each person ~~[to whom no previous permit has been issued]~~. If an application under this section is denied, the chief of police or a designee of the chief of police shall notify the applicant of the denial in writing, stating the ground or grounds for the denial and informing the applicant of the right to seek review of the denial through a hearing pursuant to subsection (k).

(j) In all cases where a permit application under this section is denied because an applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the chief of police of the applicable county shall, within ten business days from the date of denial, send written notice of the denial, including the identity of the applicant and the reasons for the denial, to the:

- (1) Prosecuting attorney in the county where the permit was denied;
- (2) Attorney general;
- (3) United States Attorney for the District of Hawaii; and
- (4) Director of public safety.

If the permit to acquire was denied because the applicant is subject to an order described in section 134-7(f), the chief of police shall, within three business days from the date of denial, send written notice of the denial to the court that issued the order.

When the director of public safety receives notice that an applicant has been denied a permit because of a prior criminal conviction, the director of public safety shall determine whether the applicant is currently serving a term of probation or parole, and if the applicant is serving such a term, send written notice of the denial to the applicant's probation or parole officer.

(k) If an application under this section is denied, a person or entity aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person or entity aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing and final decision, an aggrieved party shall be entitled to a judicial review proceeding in state circuit court in accordance with section 91-14.

(l) The permit application form and the waiver form required under this section shall be prescribed by the issuing authority."

SECTION 5. Section 134-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) No person shall intentionally, knowingly, or recklessly lend a firearm to any person who is prohibited from ownership ~~[or]~~, possession, or control of a firearm under section 134-7.”

SECTION 6. Section 134-7, Hawaii Revised Statutes, is amended to read as follows:

“**§134-7 Ownership ~~[or]~~, possession, or control prohibited, when; penalty.** (a) No person who is a fugitive from justice or ~~[is a person]~~ prohibited from possessing ~~[firearms]~~ a firearm or ammunition under title 18 United States Code section 922 or any other provision of federal law shall own, possess, or control any firearm or ammunition ~~[therefor]~~.

(b) No person who ~~[is under indictment for, or has waived indictment for, or has been bound over to the circuit court for,]~~ is being prosecuted for one or more charges for a felony, a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug in a court in this State or elsewhere, or who has been convicted in this State or elsewhere of having committed a felony, ~~[or any]~~ a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug shall own, possess, or control any firearm or ammunition ~~[therefor]~~.

(c) No person ~~[who:]~~ shall own, possess, or control any firearm or ammunition if the person:

- (1) Is or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;
- (2) Has been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411[;] or any similar provision under federal law, or the law of another state, a United States territory, or the District of Columbia;
- (3) Is or has been diagnosed ~~[as having a significant behavioral, emotional, or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes;]~~ with or treated for a medical, behavioral, psychological, emotional, or mental condition or disorder that causes or is likely to cause impairment in judgment, perception, or impulse control to an extent that presents an unreasonable risk to public health, safety, or welfare if the person were in possession or control of a firearm; or
- (4) Has been adjudged to:
 - (A) Meet the criteria for involuntary hospitalization under section 334-60.2; or
 - (B) Be an “incapacitated person”, as defined in section 560:5-102,

~~[shall own, possess, or control any firearm or ammunition therefor,]~~ unless the person ~~[has been medically documented to be]~~ establishes, with appropriate medical documentation, that the person is no longer adversely affected by [the addiction, abuse, dependence, mental disease, disorder, or defect.] the criteria or statuses identified in this subsection.

(d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed a felony, ~~[two or more crimes]~~ a crime of violence, a criminal offense relating to firearms, or an illegal sale or distribution of any drug shall own, possess, or control any firearm or ammunition ~~[therefor]~~.

(e) No minor ~~[who:]~~ shall own, possess, or control any firearm or ammunition if the minor:

- (1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;
- (2) Is a fugitive from justice; or
- (3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect[;].

~~[shall own, possess, or control any firearm or ammunition therefor,] unless the minor [has been medically documented to be] establishes, with appropriate medical documentation, that the minor is no longer adversely affected by the addiction, mental disease, disorder, or defect.~~

For the purposes of enforcing this section, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

(f) No person who has been restrained pursuant to an order of any court, including a gun violence protective order issued pursuant to part IV, from contacting, threatening, or physically abusing any person, shall possess, control, or transfer ownership of any firearm or ammunition ~~[therefor]~~, so long as the protective order, restraining order, or any extension is in effect~~[- unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition]~~. The protective order or restraining order shall specifically include a statement that possession, control, or transfer of ownership of a firearm or ammunition by the person named in the order is prohibited. The person shall relinquish possession and control of any firearm and ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension thereof. At the time of service of a protective order or restraining order involving firearms and ammunition issued by any court, a police officer may take custody of any and all firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm, but refuses to surrender the firearm or ~~[refuses to]~~ disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.

~~[For the purposes of this subsection, good cause shall not be based solely upon the consideration that the person subject to restraint pursuant to an order of any court is required to possess or carry firearms or ammunition during the course of the person's employment. Good cause consideration may include but not be limited to the protection and safety of the person to whom a restraining order is granted.]~~

(g) Any person disqualified from ownership, possession, control, or the right to transfer ownership of firearms and ammunition under this section shall surrender or dispose of all firearms and ammunition in compliance with section 134-7.3.

(h) Any person who otherwise would be prohibited under subsection (b) from owning, possessing, or controlling a firearm and ammunition solely as a result of a conviction for a crime that is not a felony, and who is not prohibited from owning, possessing, or controlling a firearm or ammunition for any reason under any other provision of this chapter or under title 18 United States Code section 922 or another provision of federal law, shall not be prohibited under

this section from owning, possessing, or controlling a firearm and ammunition if twenty years have elapsed from the date of the conviction.

~~[(h)]~~ (i) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), or (g) shall be guilty of a misdemeanor.”

SECTION 7. Section 134-9, Hawaii Revised Statutes, is amended to read as follows:

“§134-9 Licenses to carry. (a) ~~[In an exceptional case, when an applicant shows reason to fear injury to the applicant’s person or property, the~~ The chief of police of [the appropriate] a county [may] shall grant a license to an applicant [who is a citizen of the United States of the age of twenty-one years or more or to a duly accredited official representative of a foreign nation of the age of twenty-one years or more] to carry a pistol or revolver and ammunition [therefor] concealed on the licensee’s person within [the county where the license is granted. Where the urgency or the need has been sufficiently indicated, the respective] the State, if the applicant:

- (1) Satisfies each of the criteria established by or pursuant to subsection (d);
- (2) Is not prohibited under section 134-7 from the ownership, possession, or control of a firearm and ammunition;
- (3) Is not found to be lacking the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (h);
- (4) Is a citizen, national, or lawful permanent resident of the United States or a duly accredited official representative of a foreign nation;
- (5) Is a resident of the State; and
- (6) Is of the age of twenty-one years or more.

~~(b) The chief of police of a county may grant to an applicant [of good moral character who is a citizen of the United States of the age of twenty-one years or more, is engaged in the protection of life and property, and is not prohibited under section 134-7 from the ownership or possession of a firearm,] a license to carry a pistol or revolver and ammunition [therefor] unconcealed on the licensee’s person within the county where the license is granted[.], if the applicant:~~

- (1) Sufficiently establishes the urgency or need to carry a firearm unconcealed;
- (2) Is engaged in the protection of life and property;
- (3) Satisfies each of the criteria established by or pursuant to subsection (d);
- (4) Is not prohibited under section 134-7 from the ownership, possession, or control of a firearm and ammunition;
- (5) Is not found to be lacking the essential character or temperament necessary to be entrusted with a firearm as set forth in subsection (h);
- (6) Is a citizen, national, or lawful permanent resident of the United States; and
- (7) Is of the age of twenty-one years or more.

~~(c) The chief of police of the appropriate county, or [the chief’s] a designated representative[.] of the chief of police, shall perform an inquiry on an applicant by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases [where] if the applicant is not a citizen of the United States, before any determination to grant a concealed or unconcealed license is made. [Unless renewed, the license shall expire one year from the date of issue.~~

~~(b) The chief of police of each county shall adopt procedures to require that any person granted a license to carry a concealed weapon on the person shall:~~

(d) To be eligible to receive a license to carry a concealed or unconcealed pistol or revolver on the licensee's person, the applicant shall:

- (1) ~~[Be qualified to use the firearm in a safe manner;]~~ Submit the appropriate carry license application, in person, to the chief of police of the appropriate county, with:
 - (A) All fields on the application form completed and all questions answered truthfully, under penalty of law;
 - (B) All required signatures present on the application;
 - (C) Any required documents attached to the application; and
 - (D) Payment of the nonrefundable license application fee required under this section;
- (2) ~~[Appear to be a suitable person to be so licensed;]~~ Be the registered owner of the firearm or firearms for which the license to carry will be issued; provided that this paragraph shall not apply to detectives, private detectives, investigators, and guards with an active license issued pursuant to chapter 463;
- (3) Not be prohibited under section 134-7 from the ownership [øf], possession, or control of a firearm; [and]
- (4) ~~[Not have been adjudged insane or not appear to be mentally deranged;]~~ Have completed a course of training as described in subsection (e) and be certified as qualified to use the firearm or firearms for which the license to carry will be issued in a safe manner; and
- (5) Sign an affidavit expressly acknowledging that:
 - (A) The applicant has read and is responsible for understanding and complying with the federal, state, and county laws governing the permissible use of firearms and associated requirements, including:
 - (i) The prohibition on carrying or possessing a firearm in certain locations and premises;
 - (ii) The prohibition on carrying more than one firearm on the licensee's person at one time;
 - (iii) The prohibition on carrying a firearm on private property of another person without the express authorization of the owner, lessee, operator, or manager of the private property;
 - (iv) The requirement to maintain possession of the license on the licensee's person while carrying a firearm;
 - (v) The requirement to disclose information regarding the carrying of a firearm when stopped by law enforcement;
 - (vi) The provision for absolute liability for injury or property damage proximately caused by a legally unjustified discharge of a firearm under section 663-9.5; and
 - (vii) Laws regarding the use of deadly force for self-defense or the defense of another;
 - (B) A license to carry issued under this section shall be void if a licensee becomes disqualified from the ownership, possession, or control of a firearm pursuant to section 134-7(a), (b), (d), or (f);
 - (C) The license shall be subject to revocation under section 134-13 if a licensee for any other reason becomes disqualified under section 134-7 from the ownership, possession, or control of a firearm; and

(D) A license that is revoked or that becomes void shall be returned to the chief of police of the appropriate county within forty-eight hours after the license is revoked or becomes void.

~~[(e) No person shall carry concealed or unconcealed on the person a pistol or revolver without being licensed to do so under this section or in compliance with sections 134-5(e) or 134-25.~~

~~(d) A fee of \$10 shall be charged for each license and shall be deposited in the treasury of the county in which the license is granted.]~~

(e) The course of training for issuance of a license under this section may be any course acceptable to the licensing authority that meets all of the following criteria:

(1) The course shall include in-person instruction on firearm safety; firearm handling; shooting technique; safe storage; legal methods to transport firearms and secure firearms in vehicles; laws governing places in which persons are prohibited from carrying a firearm; firearm usage in low-light situations; situational awareness and conflict management; and laws governing firearms, including information regarding the circumstances in which deadly force may be used for self-defense or the defense of another;

(2) The course shall include a component on mental health and mental health resources;

(3) Except for the component on mental health and mental health resources, the course shall be conducted by one or more firearms instructors certified or verified by the chief of police of the respective county or a designee of the chief of police or certified by a nongovernmental organization approved for those purposes by the chief of police of the respective county or a designee of the chief of police, or conducted by one or more certified military firearms instructors;

(4) The course shall require participants to demonstrate their understanding of the covered topics by achieving a score of at least seventy per cent on a written examination; and

(5) The course shall include live-fire shooting exercises on a firing range and shall include a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm that the applicant is applying to be licensed to carry;

(f) Upon passing the course of training identified in subsection (e), the applicant shall obtain from the instructor, and include as part of the applicant's application package, a certification as to the following:

(1) The applicant's name, as confirmed by reviewing the applicant's government-issued photo identification;

(2) The date and location of the firearm proficiency test;

(3) The firearm or firearms that the applicant used in the firearm proficiency test;

(4) The applicant's score; provided that an indication that the applicant passed or failed, without the score itself, shall be insufficient information for the purposes of the application; and

(5) The instructor's qualifications to administer the firearm proficiency test.

The certification of the above information, signed by the firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor, shall constitute evidence of successful completion of the course; provided that the instructor shall not submit a certification signed by the instructor for the instructor's own license application. The course of training for issuance of a license under this section shall be undertaken at the licensee's expense.

- (g) An applicant for a license under this section shall:
- (1) Sign a waiver at the time of application, allowing the chief of police of the county issuing the license or a designee of the chief of police access to any records that have a bearing on the mental health of the applicant; and
 - (2) Identify any health care providers who possess or may possess the records described in paragraph (1).
- (h) In determining whether a person lacks the essential character or temperament necessary to be entrusted with a firearm, the licensing authority shall consider whether the person poses a danger of causing a self-inflicted bodily injury or unlawful injury to another person, as evidenced by:
- (1) Information from a health care provider indicating that the person has had suicidal or homicidal thoughts or tendencies within the preceding five years;
 - (2) Statements or actions by the person indicating any dangerous propensity or violent animus toward one or more individuals or groups, including groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or any other characteristic, and the propensity or animus is of a nature or to an extent that would objectively indicate to a reasonable observer that it would not be in the interest of the public health, safety, or welfare for the person to own, possess, or control a firearm or ammunition; or
 - (3) Other information that would lead a reasonable, objective observer to conclude that the person presents or would present a danger to the community as a result of carrying a firearm in public or intends or is likely to use a firearm for an unlawful purpose or in an unlawful manner.
- (i) A nonrefundable fee of \$150 shall be charged for each license application submitted under this section. The fee shall be chargeable by and payable to the appropriate county and shall be used for expenses related to police services. The issuing authority shall waive the fee required by this subsection upon a showing of financial hardship by the applicant.
- (j) If the applicant satisfies each of the requirements for a concealed carry license, an application for a concealed carry license submitted to the chief of police of the appropriate county under this section shall be approved within a reasonable time after receipt of all required application materials. If the applicant does not satisfy one or more of the requirements for a concealed carry license, the license shall be denied within a reasonable time after receipt of the application materials. If an application is denied, the chief of police or a designee of the chief of police shall notify the applicant of the denial in writing, stating the ground or grounds for the denial and informing the applicant of the right to seek review of the denial through a hearing pursuant to subsection (k). If the chief of police does not grant or deny a submitted application for a concealed carry license within one hundred twenty days following the date of the application, the application shall be deemed denied as of that date for purposes of subsection (k).
- (k) If an application under this section is denied, a person or entity aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person or entity aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing and final decision, an aggrieved party

shall be entitled to a judicial review proceeding in state circuit court in accordance with section 91-14.

(l) If an application pursuant to this section is approved, the chief of police shall issue the applicant a license that contains, at minimum:

- (1) The licensee's name;
- (2) The licensee's address;
- (3) A photograph of the licensee taken within ninety days before issuance of the license;
- (4) The county of issuance;
- (5) A notation as to whether the license permits concealed or unconcealed carry;
- (6) The serial number of each registered firearm that the licensee may carry pursuant to the license; and
- (7) The license expiration date.

The license issued under this subsection shall not constitute a government-issued photo identification document under federal or state law.

(m) Unless renewed, a concealed or unconcealed license shall expire four years from the date of issue.

(n) A license to carry issued under this section shall be void if a licensee becomes disqualified from the ownership, possession, or control of a firearm pursuant to section 134-7(a), (b), (d), or (f). If a licensee for any other reason becomes disqualified under section 134-7 from the ownership, possession, or control of a firearm, the license shall be subject to revocation under section 134-13. A license that is void or revoked shall be returned to the chief of police of the appropriate county within forty-eight hours after the license becomes void or is revoked.

(o) The chief of police of each county shall adopt procedures to implement this section.

(p) The chief of police of each county shall establish procedures and criteria for the renewal of licenses issued under this section. No license renewal shall be granted if an applicant for a renewed license does not satisfy, or no longer satisfies, the eligibility criteria for a new license set forth in subsections (a) through (d). As a precondition for the renewal of licenses issued under this section, the chief of police of each county may establish reasonable continuing education, training, and certification requirements, including requirements pertaining to the safe handling of firearms and shooting proficiency. A nonrefundable fee of \$50 shall be charged for each license renewal application submitted under this section. The fee shall be chargeable by and payable to the appropriate county and shall be used for expenses related to police services. The issuing authority shall waive the fee required by this subsection upon a showing of financial hardship by the applicant.

(q) No person carrying a firearm pursuant to a license issued under this section shall intentionally, knowingly, or recklessly carry more than one firearm on the licensee's person at one time.

(r) A license issued by the chief of police of a county within the State under subsection (a) to carry a pistol or revolver and ammunition concealed on the licensee's person shall be valid for use in each county within the State."

SECTION 8. Section 134-13, Hawaii Revised Statutes, is amended to read as follows:

"§134-13 Revocation of permits~~[-]~~and licenses. (a) All permits and licenses provided for under this part ~~[may]~~ shall be revoked~~[, for good cause,]~~ by the issuing authority ~~[ø]~~, and may be revoked by ~~[the judge of]~~ any court~~[-]~~, if the issuing authority or court determines that the permit or license is subject

to revocation because the permit or license holder does not satisfy, or no longer satisfies, the applicable qualifications or requirements associated with the permit or license.

(b) If the issuing authority determines that a permit or license is subject to revocation, the issuing authority shall notify the permit or license holder of the determination in writing, stating the grounds for the determination and informing the permit or license holder of the right to seek a hearing before the issuing authority regarding the determination before revocation. Unless the permit or license holder submits a request for a hearing in writing to the issuing authority no later than thirty days following the date of the written notice that the permit or license is subject to revocation, the permit or license shall be immediately revoked by the issuing authority. Any hearing regarding a determination on whether a permit or license is subject to revocation shall constitute a contested case hearing for purposes of chapter 91. A person or entity aggrieved by a revocation under this section may apply for judicial review in state circuit court in accordance with section 91-14.

(c) If a permit or license is revoked pursuant to this section, the former permit or license holder shall return the permit or license to the issuing authority within forty-eight hours following receipt of the notice of revocation.”

SECTION 9. Section 134-17, Hawaii Revised Statutes, is amended to read as follows:

~~“§134-17 Penalties. (a) If any person [gives false information or offers false evidence of the person’s identity in complying with any of the requirements of this part, that person shall be guilty of a misdemeanor, provided, however that if any person intentionally gives false information or offers false evidence concerning their] intentionally, knowingly, or recklessly makes any materially false, fictitious, or fraudulent statement or representation in connection with any of the requirements of this part, that person shall be guilty of a misdemeanor; provided that if any person intentionally, knowingly, or recklessly makes any materially false, fictitious, or fraudulent statement or representation regarding the person’s psychiatric or criminal history in [complying] connection with any of the requirements of this part, that person shall be guilty of a class C felony.~~

~~[(b) Any person who violates section 134-3(a) shall be guilty of a petty misdemeanor.~~

~~(c)] (b) Any person who violates [section]:~~

- ~~(1) Section 134-2, 134-4, 134-10, [or] 134-13(c), or 134-15 shall be guilty of a misdemeanor[. Any person who violates section];~~
- ~~(2) Section 134-3(a) or 134-9(q) shall be guilty of a petty misdemeanor;~~
~~or~~
- ~~(3) Section 134-3(b) shall be guilty of a petty misdemeanor and the firearm shall be confiscated as contraband and disposed of, if the firearm is not registered within five days of the person receiving notice of the violation.”~~

SECTION 10. Section 134-18, Hawaii Revised Statutes, is amended to read as follows:

~~“§134-18 Qualified immunity for physicians, psychologists, [or] psychiatrists, physician assistants, or advanced practice registered nurses who provide information on permit or license applicants. There shall be no civil liability for any physician, psychologist, [or] psychiatrist, physician assistant, or advanced practice registered nurse who provides information or renders an opinion in response to an inquiry made for purposes of issuing a firearm permit under section 134-2, issuing or renewing a license under section 134-9, or [for purposes of] in-~~

vestigating the continuing mental health of the holder of a valid firearm permit or license; provided that the physician, psychologist, [ø] psychiatrist, physician assistant, or advanced practice registered nurse acted without malice.”

SECTION 11. Section 707-716, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) Terroristic threatening in the first degree is a class C felony[-]; provided that terroristic threatening in the first degree is a class B felony if committed with a firearm as defined in section 134-1, whether the firearm was loaded or not, and whether operable or not, or a simulated firearm, while in one of the locations or premises listed in section 134-A(a).”

SECTION 12. 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 on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess 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~~;~~, and on applicants for new or renewed licenses to carry a pistol or revolver and ammunition pursuant to section 134-9;
- (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 informa-

- tion 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 13. Act 30, Session Laws of Hawaii 2022, is amended by amending section 5 to read as follows:

~~“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].”~~

SECTION 14. Every provision in this Act and every application of each provision in this Act is severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is determined by any court to be invalid, the remainder of this Act and the application of the Act’s provisions to all other persons and circumstances shall not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court determines to be invalid or unenforceable, leaving the valid applications in force, because it is the legislature’s intent that all valid applications shall remain in force.

SECTION 15. This Act shall be construed to be enforceable up to but no further than the maximum possible extent consistent with federal law and constitutional requirements.

SECTION 16. 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 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 18. This Act shall take effect on July 1, 2023; provided that:

- (1) Sections 4 and 7 shall take effect on January 1, 2024; and
- (2) The amendments made to section 846-2.7(b), Hawaii Revised Statutes, by section 12 of this Act shall not be repealed when section 28 of Act 278, Session Laws of Hawaii 2022, takes effect on January 1, 2024.

(Approved June 2, 2023.)

Notes

- 1. So in original.
- 2. Edited pursuant to HRS §23G-16.5.

ACT 53

H.B. NO. 1329

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 2022, there were fifty-one school shootings nationwide that resulted in injuries or deaths. These incidents included situations where a firearm was discharged and an individual other than a suspect or perpetrator was wounded by a bullet. Nationally, school shooting incidents have also occurred on K-12 school property, on a school bus, while school was in session, and during a school-sponsored event. The second deadliest K-12 shooting in United States history occurred in 2022.

The legislature also finds that, while the department of education requires annual fire drills, no students have perished in school fires since 1958. The legislature believes that training for school staff should reflect what is currently happening in the country.

Accordingly, the purpose of this Act is to:

- (1) Require the department of education to work with certain organizations to develop and implement an active shooter training program in all public and charter schools; and
- (2) Provide that public and charter school students may decline to participate in any active shooter training program developed by the department.

SECTION 2. The department of education shall work with the Hawaii State Teachers Association, Hawaii Government Employees Association, and United Public Workers to develop and implement an active shooter training program in all public and charter schools; provided that public and charter school students may decline to participate in active shooter training.

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

(Approved June 2, 2023.)

ACT 54

H.B. NO. 1382

A Bill for an Act Relating to Meat Donation.

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

SECTION 1. The legislature finds that there is a need for an increased protein donation capacity to feed local under-resourced populations. Existing law specifically prohibits the inclusion of meat as a donation; however, wild game can be a significant source of protein. The inclusion of wild game as a donation-eligible food resource creates a beneficial outlet for food-safe meat harvested from invasive species.

The legislature also finds that Wisconsin, Michigan, and Utah offer meat donation programs that can serve as models that Hawaii can assess to develop tools for long-term, sustainable, management programs for invasive species. For example, Utah amended its Good Samaritan law to enable the harvest of white tail deer meat for donation to charities and provided an exception to antemortem inspection if certain requirements and conditions are met.

ACT 54

Accordingly, the purpose of this Act is to amend the conditions for donations to allow provision of wild meat to under-resourced communities, including the homeless.

SECTION 2. Section 145D-2, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

- “(d) The exceptions to liability specified in subsection (a) shall include:
- (1) The donation of perishable or nonperishable food that has exceeded the labeled shelf life date recommended by the manufacturer; ~~and~~
 - (2) The donation of farm produce; provided that the good-faith donor or distributor reasonably believes that the food is fit for human consumption[-]; and
 - (3) The donation of livestock or wild game meat; provided that the good-faith donor harvested the meat in a food-safe manner and processed the meat in accordance with federal law and the distributor reasonably believes that the food is fit for human consumption.
- (e) For the purposes of this section:

“Donor” means any individual, food vendor, food manufacturer, food distributor, grocery or convenience store, charitable or nonprofit organization, butcher, meat processor, or government agency that donates food to needy persons where the food in question has been prepared and packaged in a facility meeting all relevant food safety guidelines, certifications, and requirements and has passed all food safety inspections.

“Farm produce” means all agricultural, horticultural, and vegetable produce of the soil, but does not include poultry, poultry products, livestock and livestock products, aquaculture and aquaculture products, and timber or timber products.”

SECTION 3. (a) There is established within the department of agriculture for administrative purposes a meat processing task force to develop and implement a plan to expand the meat processing capacity in the State to allow for meat from axis deer and other wild game to be processed for distribution by nonprofit food distribution services. The meat processing task force shall be composed of the following members:

- (1) The chairperson of the board of agriculture, or the chairperson’s designee;
- (2) One member from the department of health, selected by the director of health;
- (3) One member from the department of business, economic development, and tourism, selected by the director of business, economic development, and tourism;
- (4) The administrator of the division of forestry and wildlife of the department of land and natural resources, or the administrator’s designee;
- (5) The chairperson of the board of land and natural resources, or the chairperson’s designee;
- (6) One member from the United States Environmental Protection Agency, who shall be invited by the chairperson of the task force;
- (7) Four members, one each to be appointed by the respective mayors of the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui; and
- (8) Four members to be jointly selected and invited to participate by the president of the senate and the speaker of the house of representatives, two of whom shall be selected from an environmental

nonprofit organization, and two of whom shall be selected from an agricultural or ranching association.

(b) The members of the task force shall choose a chairperson from among themselves.

(c) Task force members may recommend members with appropriate specialized expertise to be added to the task force, subject to the approval of the chairperson of the task force.

(d) The task force shall create and implement a master plan to expand the meat processing capacity in the State to allow for meat from axis deer and other wild game to be processed for distribution by nonprofit food distribution services.

(e) The task force shall submit reports of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2024 and 2025.

(f) The task force shall cease to exist on June 30, 2025.

SECTION 4. 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 2023-2024 for the meat processing task force to develop and implement a master plan to expand meat processing capacity in the State to allow for wild game to be distributed by nonprofit food distribution services.

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

SECTION 5. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriation contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$50,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,817,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by 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, 2023.

(Approved June 5, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Government Services Relating to the Law.

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

SECTION 1. The legislature finds that law enforcement services are an essential government function that aim to promote respect for, and compliance with, state and county laws.

The purpose of this Act is to require greater accountability and transparency in the government's provision of law enforcement services by:

- (1) Providing that a law enforcement officer has a duty to intervene if the law enforcement officer reasonably believes that another law enforcement officer is using unnecessary or excessive force on an arrestee;
- (2) Requiring the intervening law enforcement officer to report the incident to the other law enforcement officer's supervisor; and
- (3) Requiring relevant departments to submit an annual report to the legislature.

SECTION 2. Section 803-7, Hawaii Revised Statutes, is amended to read as follows:

“§803-7 Use of force[-]; duty to intervene and report unnecessary or excessive force. (a) In all cases where the person arrested refuses to submit or attempts to escape, ~~[such]~~ a degree of force may be used by a law enforcement officer as is necessary to compel the person to submission.

(b) A law enforcement officer who reasonably believes that another law enforcement officer is using unnecessary or excessive force on an arrestee that violates an applicable law or departmental policy shall have a duty to:

- (1) Immediately intervene to prevent the use of unnecessary or excessive force by the other law enforcement officer; provided that the intervention can be safely accomplished; and
- (2) Report the incident to the other law enforcement officer's supervisor as soon as practicable.

(c) Each relevant department director and county police department chief shall submit an annual report of incidents reported pursuant to subsection (b) to the legislature no later than January 31 of each year. The reporting period of each report shall be from January 1 to December 31 of the year immediately before the year of the report submission. The annual report shall:

- (1) Summarize the facts and the nature of each reported incident; and
- (2) Specify the disciplinary action, if any, that was imposed in connection with a reported incident.

(d) As used in this section, “law enforcement officer” means any public servant, whether employed by the State or county, vested by law with a duty to maintain public order or to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses.”

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 5, 2023.)

ACT 56

H.B. NO. 1100

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 to read as follows:

“§235-2.3 Conformance to the federal Internal Revenue Code; general application. (a) For all taxable years beginning after December 31, ~~[2021,] 2022,~~ as used in this chapter, except as provided in this section and 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, ~~[2021,] 2022,~~ 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.
- (b) The following Internal Revenue Code subchapters, parts of subchapters, sections, subsections, and parts of subsections shall not be operative for the purposes of this chapter, unless otherwise provided:
- (1) Subchapter A (sections 1 to 59A) (with respect to determination of tax liability), except section 1(h)(2) (relating to net capital gain reduced by the amount taken into account as investment income), except sections 2(a), 2(b), and 2(c) (with respect to the definition of “surviving spouse” and “head of household”), except section 41 (with respect to the credit for increasing research activities), except section 42 (with respect to low-income housing credit), except sections 47 and 48, as amended, as of December 31, 1984 (with respect to certain depreciable tangible personal property), and except section 48(d)(3), as amended, as of February 17, 2009 (with respect to the treatment of United States Department of Treasury grants made under section 1603 of the American Recovery and Reinvestment Tax Act of 2009). For treatment, see sections 235-110.91, 235-110.7, and 235-110.8;
 - (2) Section 78 (with respect to dividends received from certain foreign corporations by domestic corporations choosing foreign tax credit);
 - (3) Section 86 (with respect to social security and tier 1 railroad retirement benefits);
 - (4) Section 91 (with respect to certain foreign branch losses transferred to specified 10-percent owned foreign corporations);
 - (5) Section 103 (with respect to interest on state and local bonds). For treatment, see section 235-7(b);
 - (6) Section 114 (with respect to extraterritorial income). For treatment, any transaction as specified in the transitional rule for 2005 and 2006 as specified in the American Jobs Creation Act of 2004 section 101(d) and any transaction that has occurred pursuant to a binding contract as specified in the American Jobs Creation Act of 2004 section 101(f) are inoperative;
 - (7) Section 120 (with respect to amounts received under qualified group legal services plans). For treatment, see section 235-7(a)(9) to (11);
 - (8) Section 122 (with respect to certain reduced uniformed services retirement pay). For treatment, see section 235-7(a)(3);
 - (9) Section 135 (with respect to income from United States savings bonds used to pay higher education tuition and fees). For treatment, see section 235-7(a)(1);
 - (10) Section 139C (with respect to COBRA premium assistance);
 - (11) Subchapter B (sections 141 to 150) (with respect to tax exemption requirements for state and local bonds);
 - (12) Section 151 (with respect to allowance of deductions for personal exemptions). For treatment, see section 235-54;
 - (13) Section 179B (with respect to expensing of capital costs incurred in complying with Environmental Protection Agency sulphur regulations);
 - (14) Section 181 (with respect to special rules for certain film and television productions);
 - (15) Section 196 (with respect to deduction for certain unused investment credits);

- (16) Section 199 (with respect to the U.S. production activities deduction);
- (17) Section 199A (with respect to qualified business income);
- (18) Section 222 (with respect to qualified tuition and related expenses);
- (19) Sections 241 to 247 (with respect to special deductions for corporations). For treatment, see section 235-7(c);
- (20) Section 250 (with respect to foreign-derived intangible income and global intangible low-taxed income);
- (21) Section 267A (with respect to certain related party amounts paid or accrued in hybrid transactions or with hybrid entities);
- (22) Section 280C (with respect to certain expenses for which credits are allowable). For treatment, see section 235-110.91;
- (23) Section 291 (with respect to special rules relating to corporate preference items);
- (24) Section 367 (with respect to foreign corporations);
- (25) Section 501(c)(12), (15), (16) (with respect to exempt organizations); except that section 501(c)(12) shall be operative for companies that provide potable water to residential communities that lack any access to public utility water services;
- (26) Section 515 (with respect to taxes of foreign countries and possessions of the United States);
- (27) Subchapter G (sections 531 to 565) (with respect to corporations used to avoid income tax on shareholders);
- (28) Subchapter H (sections 581 to 597) (with respect to banking institutions), except section 584 (with respect to common trust funds). For treatment, see chapter 241;
- (29) Section 642(a) and (b) (with respect to special rules for credits and deductions applicable to trusts). For treatment, see sections 235-54(b) and 235-55;
- (30) Section 646 (with respect to tax treatment of electing Alaska Native settlement trusts);
- (31) Section 668 (with respect to interest charge on accumulation distributions from foreign trusts);
- (32) Subchapter L (sections 801 to 848) (with respect to insurance companies). For treatment, see sections 431:7-202 and 431:7-204;
- (33) Section 853 (with respect to foreign tax credit allowed to shareholders). For treatment, see section 235-55;
- (34) Section 853A (with respect to credits from tax credit bonds allowed to shareholders);
- (35) Subchapter N (sections 861 to 999) (with respect to tax based on income from sources within or without the United States), except sections 985 to 989 (with respect to foreign currency transactions). For treatment, see sections 235-4, 235-5, and 235-7(b), and 235-55;
- (36) Section 1042(g) (with respect to sales of stock in agricultural refiners and processors to eligible farm cooperatives);
- (37) Section 1055 (with respect to redeemable ground rents);
- (38) Section 1057 (with respect to election to treat transfer to foreign trust, etc., as taxable exchange);
- (39) Sections 1291 to 1298 (with respect to treatment of passive foreign investment companies);
- (40) Subchapter Q (sections 1311 to 1351) (with respect to readjustment of tax between years and special limitations)^[5]; except for section 1341 (with respect to computation of tax where taxpayer restores substantial amount held under claim of right);

- (41) Subchapter R (sections 1352 to 1359) (with respect to election to determine corporate tax on certain international shipping activities using per ton rate);
- (42) Subchapter U (sections 1391 to 1379F¹) (with respect to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas). For treatment, see chapter 209E;
- (43) Subchapter W (sections 1400 to 1400C) (with respect to District of Columbia enterprise zone);
- (44) Section 1400O (with respect to education tax benefits);
- (45) Section 1400P (with respect to housing tax benefits);
- (46) Section 1400R (with respect to employment relief);
- (47) Section 1400T (with respect to special rules for mortgage revenue bonds);
- (48) Section 1400U-1 (with respect to allocation of recovery zone bonds);
- (49) Section 1400U-2 (with respect to recovery zone economic development bonds); and
- (50) Section 1400U-3 (with respect to recovery zone facility bonds).”

SECTION 3. Section 235-2.4, Hawaii Revised Statutes, is amended by amending subsection (m) to read as follows:

“(m) Section 168 (with respect to the accelerated cost recovery system) of the Internal Revenue Code shall be operative for purposes of this chapter, except that sections 168(j) (relating to property on Indian reservations), 168(k) (relating to the special allowance for certain property acquired during the period specified therein), and 168(m) (relating to the special allowance for certain reuse and recycling property)~~], and 168(n) (relating to the special allowance for qualified disaster assistance property)]~~ of the Internal Revenue Code shall not be operative for purposes of this chapter.”

SECTION 4. Section 235-2.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Reference in provisions of the Internal Revenue Code which are operative in this State to provisions in the Internal Revenue Code which are not operative in this State shall be considered inoperative for the purposes of determining gross income, adjusted gross income, ordinary income and loss, and taxable income; provided that:

- (1) References to time limits and other administrative provisions in subtitle F (sections 6001 to 7873) of the Internal Revenue Code contained in operative sections of the Internal Revenue Code shall be deemed references to applicable provisions of this chapter or chapter 231 or 232, and in the absence of applicable provisions in this chapter or chapters 231 or 232, then to rules adopted by the director of taxation under subsection (b);
- (2) If inoperative provisions of the Internal Revenue Code have been codified in this chapter such references shall be deemed references to the codified provisions in this chapter. Transitory and savings provisions in federal Public Laws amending sections of the Internal Revenue Code operative in this chapter shall be operative for the purposes of this chapter. Provisions in this chapter or chapter 231 or 232 in conflict with the Internal Revenue Code or transitory or savings provisions in federal Public Law shall control; and
- (3) Retroactive and prospective provisions in federal Public Laws amending sections of the federal Internal Revenue Code operative

in this chapter and retroactive and prospective provisions in federal Public Laws that are operative in this chapter affecting taxable years beginning or ending before the December 31 date in section 235-2.3 shall be operative for the purposes of this chapter; provided that the effective dates in Public Law 96-471 placing it in effect for the taxable year 1980 shall be operative for the purposes of this chapter.”

SECTION 5. 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, ~~[2021,]~~ 2022, 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, ~~[2021,]~~ 2022, 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 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; provided that:

- (1) Section 2 shall apply to taxable years beginning after December 31, 2022; provided that the amendment to section 235-2.3(b)(40) (with respect to computation of tax where taxpayer restores substantial amount held under claim of right), Hawaii Revised Statutes, shall apply to taxable years beginning after December 31, 2021;
- (2) Sections 3 and 4 shall apply to taxable years beginning after December 31, 2022; and
- (3) Section 5 shall apply to decedents dying or taxable transfers occurring after December 31, 2022.

(Approved June 5, 2023.)

Note

1. Prior to amendment “1397F” appeared here.

ACT 57

S.B. NO. 1151

A Bill for an Act Relating to the Hawaii Community College Promise Program.

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

SECTION 1. The legislature finds that the students of university of Hawaii community colleges have benefited greatly from the Hawaii community college promise program. The legislature further finds that certificate programs at university of Hawaii community colleges bring great value to the State. Additionally, the legislature also finds that students with developmental disabilities seeking post-graduate certificates have had difficulty in accessing promise scholarships in the past. Ensuring wider access to the Hawaii community college promise program to students in certificate programs allows more university of Hawaii community college students to pursue their educational goals and is a matter of statewide concern.

Accordingly, the purpose of this Act is to ensure access to Hawaii community college promise program funding by exempting certificate program students from the requirement to complete the Free Application for Federal Student Aid each academic year to be considered eligible for the Hawaii community college promise program.

SECTION 2. Section 304A-506, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) A student enrolled at a community college campus shall be eligible for scholarship consideration for a maximum of eight semesters if the student:

- (1) Qualifies for Hawaii resident tuition;
- (2) Completes and submits the Free Application for Federal Student Aid for each academic year and accepts all federal and state aid, grants, scholarships, and other funding sources that do not require repayment; provided that this paragraph shall not apply to a student who enrolls in a certificate program;
- (3) Is enrolled in a classified degree or certificate program with six or more credits per semester;
- (4) Maintains satisfactory academic progress, as defined by federal requirements established pursuant to [Title] title IV of the Higher Education Act of 1965, as amended, and determined by the campus at which the student is enrolled; and
- (5) Has been determined by the campus to have unmet direct cost needs.

(c) Scholarships shall be awarded to the extent possible based on available funds and on a greatest need basis. An award granted to a student shall be equal to the student’s unmet direct cost need, based on the Free Application for Federal Student Aid calculation of need, less the amounts available to the student from Pell grants and other scholarships[-]; provided that the unmet direct cost need for a student who enrolls in a certificate program shall be based on a suitable instrument, as determined by the university of Hawaii, less the amounts available to the student from grants and other scholarships.”

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 5, 2023.)

ACT 58

S.B. NO. 989

A Bill for an Act Relating to Unmanned Aircraft Systems.

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

SECTION 1. The legislature finds that the proliferation of unmanned aircraft systems, commonly called drones, has led to privacy and public safety concerns for individuals, especially when the drones are flown over their property. The legislature further finds that Hawai‘i’s laws do not adequately address these situations and that some states, including Louisiana, South Dakota, Tennessee, and Virginia have enacted laws that prohibit trespassing on private property with a drone.

The purpose of this Act is to establish the offense of trespass with an unmanned aircraft system.

SECTION 2. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§711- Trespass with an unmanned aircraft system. (1) A person commits the offense of trespass with an unmanned aircraft system if the person intentionally causes an unmanned aircraft system to:

- (a) Cross the property line of another and come within fifty feet of a dwelling to coerce, intimidate, or harass another person or, after having been given actual notice to desist, for any other reason; or
 - (b) Take off or land in violation of current Federal Aviation Administration special security instructions or unmanned aircraft systems security sensitive airspace restrictions.
- (2) This section shall not apply if:
- (a) Consent was given to the entry by any person with legal authority to consent or by any person who is lawfully present on the property; or
 - (b) The person was authorized by federal regulations to operate an unmanned aircraft system and was operating the system in an otherwise lawful manner and consistent with federal regulations.
- (3) Trespass with an unmanned aircraft system is a misdemeanor.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 5, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 59

S.B. NO. 1505

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 illegal or harmful activity throughout the Pacific Ocean has been increasing. In many cases, foreign vessels have entered new areas of the Pacific Ocean to traffic illegal commodities. Other foreign vessels have frequently entered other nations’ protected areas to collect resources to the detriment of local communities and are beginning to scout waters near Hawaii to conduct undersea mining that will irreparably harm Hawaii’s undersea ecosystems.

Accordingly, the purpose of this Act is to restrict vessels that have been engaged in specific unpermitted or unlicensed activities from entering or departing ports in the State’s commercial harbor system.

SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§266- Restriction of use of facilities. The department of transportation may delay or deny approval for port entry or departure for any vessel for which the department has received notice from a federal agency or other agency that the vessel or its crew has engaged in activity that has violated any federal, state, or county law or rule pertaining to environmental protection, maritime transportation, trafficking of illegal contraband, or the collection or extraction of undersea minerals unlicensed or unpermitted by the State; provided that the department may grant approvals for use of any commercial harbor facility by that vessel in coordination with the federal agency or other agency.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 5, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 60

H.B. NO. 494

A Bill for an Act Relating to Motor Vehicles.

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

SECTION 1. Section 286-52, Hawaii Revised Statutes, is amended to read as follows:

“§286-52 Procedure when title or interest of vehicle transferred; delivery of certificate mandatory. (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 addresses of the person whose title or interest is to be transferred and the transferee in the appropriate spaces provided upon the certificate. The signature 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.

(b) Within thirty calendar days thereafter, the transferee shall forward the certificate of ownership so endorsed to the director of finance who shall file the same; provided that if the recorded lien holder does not have an office in the State, the applicable period shall be sixty days. Whenever a transferee fails to comply with these provisions, the director of finance shall charge a fee of \$50, in addition to the fee provided in section 286-51, for a new certificate of ownership.

(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~~ the 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. 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~~ the 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.

(d) The director of finance, upon receipt of the certificate of ownership properly endorsed, shall register the vehicle, and shall issue to the owner and legal owner entitled thereto by reason of the transfer a new certificate of registration and the certificate of ownership, respectively, in the manner and form hereinabove provided for original registration.

(e) Until the director of finance has issued the new certificate of registration and certificate of ownership as in subsection (d) provided, delivery of ~~[such]~~ the vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed, and the intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose, notwithstanding any provision of the Uniform Commercial Code; provided that a security interest in a motor vehicle shall be perfected as provided in the Uniform Commercial Code, section 490:9-311 and that the validity, attachment, priority, and enforcement of ~~[such]~~ the security interest shall be governed by Article 9 of the Uniform Commercial Code.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner in and to a vehicle registered under this part, as upon inheritance, devise, ~~[or]~~ bequest, order in bankruptcy, ~~[or]~~ insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the certificate of ownership shall be signed upon the spaces provided by the personal representative, receiver, trustee, sheriff, or other representative, or successor in interest of the person whose title or interest is so transferred in lieu of ~~[such]~~ that person. Every personal representative, receiver, trustee, sheriff, or other representative or successor hereinabove referred to shall file with the director of finance a notice of any transfer by sale, lease, or otherwise by ~~[such]~~ the person, of ~~[any such]~~ the vehicle, together with evidence satisfactory to the director of finance of all facts entitling ~~[such representative]~~ the person to make the transfer. Upon notice given to the director of finance that transfer by operation of law of the title or interest of a legal owner or a registered owner has been effected pursuant to any provision of law, the director of finance shall send to the legal owner or the registered owner or both a notice by registered mail of ~~[such]~~ the action and requesting the delivery to the director of finance of the certificate of ownership or the certificate of registration, as the case may be, within ten days after date of mailing of the notice, and any person who refuses or neglects to deliver the same to the director of finance pursuant to the notice shall be guilty of a misdemeanor and ~~[shall be]~~ punished as provided in section 286-61.

(g) Nothing in the foregoing subsections shall prevent a legal owner from assigning the title or interest in or to a vehicle registered under this part to another legal owner at any time without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon filing with the director of finance of a certificate of ownership endorsed by the legal owner and a transferee of legal ownership, the director of finance shall, regardless of whether the certificate of registration has expired ~~[or not]~~, enter the name of the new legal owner upon the records of the director's office and shall forthwith issue a new certificate of ownership to the new legal owner in the form for original registration. Upon so doing, the director of finance shall send to the registered owner a notice by mail of the action.

(h) Any person who refuses or neglects to deliver a certificate of ownership to a transferee entitled thereto under this part, shall be punished as provided in section 286-61.

ACT 61

(i) Every dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, shall immediately give notice of the transfer to the director of finance upon the official form provided by the director of finance. ~~[Every such]~~ Each notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and ~~[such]~~ a description of the vehicle as may be called for in the official form.

(j) Every person, other than a dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, shall within ten days give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every notice shall contain the date of transfer, the names and addresses of the transferor and transferee, and ~~[such]~~ a description of the vehicle as may be called for in the official form. Any person who violates this subsection shall be fined ~~[not]~~ no more than \$100.

(k) Whenever the registered owner of any motor vehicle or any licensed dealer has given notice to the director of finance of a transfer of the title or interest in the motor vehicle, as provided in subsection (i) or (j), and has delivered the certificate of ownership bearing the transferor's signature to the transferee as required by subsection (a), the transferor shall be relieved from any liability, civil or criminal, from the date the transferor delivers the motor vehicle into the transferee's possession, which the transferor might otherwise subsequently incur by reason solely of being the registered owner of the vehicle.

(l) A licensed dealer who has forwarded a properly endorsed certificate of ownership to the director of finance shall be relieved of any civil liability, from the date the transferor delivers the motor vehicle into the transferee's possession, which the transferor might otherwise subsequently incur by reason solely of being the registered owner of the vehicle; provided that a specific written authorization to forward the certificate has been obtained from the transferee.

(m) Any person who falsely or fraudulently gives notice to the director of finance of a transfer of title or interest in a motor vehicle shall be subject to the penalty provided in section 286-61.

(n) Any organization that receives a motor vehicle as a charitable donation shall be deemed, upon receipt of the motor vehicle, to be a transferee for purposes of this section and shall be subject to all of the applicable rights, responsibilities, and liabilities of a transferee under 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 on July 1, 2023.

(Approved June 5, 2023.)

ACT 61

S.B. NO. 531

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 school facilities authority is tasked with an important mission to ensure the development, planning, and construction of all public schools in the State. By ensuring that each public school's facilities provide students, educators, and communities with high quality and healthy learning environments, the school facilities authority actively supports public education. However, for the school facilities authority to fulfill its mission

to support public education in the State, the school facilities authority requires effective leadership.

The legislature further finds that other agencies administratively attached to the department of education, such as the executive office on early learning, the state public charter school commission, and the state library system, require their respective boards to appoint their executive director. However, the school facilities authority executive director is appointed by the governor, with the advice and consent of the senate. As a result, the selection of the executive director of the school facilities authority is not consistent with other similar agencies. To promote uniformity, the school facilities authority executive director should be appointed by the authority's board members.

Therefore, the purpose of this Act is to authorize the school facilities authority board, rather than the governor, to appoint the executive director of the school facility authority.

SECTION 2. Section 302A-1702, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1702 School facilities authority; established. (a) There is established the school facilities authority, which shall be a body corporate and a public instrumentality of the State. The authority shall be placed within the department for administrative purposes only.

~~[(b) The authority shall employ an executive director exempt from chapters 76 and 89. The governor shall appoint the executive director in the manner prescribed in section 26-34; provided that the executive director's term shall be for six years, which shall commence on the day the senate advises and consents to the executive director's nomination and the executive director shall not be limited in the number of terms served. If a vacancy occurs during a term, the governor shall appoint an interim executive director whose appointment shall expire if the senate does not advise and consent to the nomination of an executive director at the next regular session of the legislature after the vacancy occurs. The salary of the executive director shall be set by the school facilities board and the executive director shall be included in any benefit program generally applicable to the officers and employees of the State.]~~

~~(e)]~~ (b) The executive director appointed pursuant to section 302A-1704(f) shall:

- (1) Serve as the authority's chief executive officer and chief procurement officer;
- (2) Be responsible for carrying out the purposes of the authority; and
- (3) Serve on a full-time basis.”

SECTION 3. Section 302A-1704, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1704 School facilities authority board. (a) There is established the school facilities authority board, which shall head and oversee the authority.

- (b) The board shall consist of five voting members. The members shall:
 - (1) Be appointed by the governor pursuant to section 26-34;
 - (2) Have an interest in public school facilities;
 - (3) Include one member actively or previously engaged in the construction industry for at least five years; and
 - (4) Serve without compensation but may be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.
- (c) The board shall be responsible for:
 - (1) All matters related to the projects the authority is authorized and responsible for initiating and completing under this subpart, including preferred strategies to complete those projects; and

ACT 62

(2) Evaluating the performance of the authority's executive director on an annual basis.

(d) The board shall select a chairperson by a majority vote of its voting members. A majority of the voting members serving on the board shall constitute a quorum to conduct business. The concurrence of the majority of the voting members serving on the board shall be necessary to make any action of the board valid.

(e) The board may form workgroups and subcommittees that include individuals who are not board members, to:

- (1) Obtain resource information from construction and education professionals and other individuals as deemed necessary by the board;
- (2) Make recommendations to the board; and
- (3) Perform other functions as deemed necessary by the board to fulfill its duties and responsibilities.

Two or more board members, but less than a quorum, may discuss matters relating to official board business in the course of their participation in a workgroup or subcommittee, and these discussions shall be a permitted interaction as provided for in section 92-2.5; provided that all other provisions of chapter 92 shall apply.

(f) The board shall appoint an executive director of the school facilities authority who shall be exempt from chapters 76 and 89. The salary of the executive director shall be set by the board and the executive director shall be included in any benefit program generally applicable to the officers and employees of 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 upon its approval.

(Approved June 5, 2023.)

ACT 62

S.B. NO. 975

A Bill for an Act Relating to Health.

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

SECTION 1. Chapter 245, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§245- Unlawful shipment of tobacco products; penalty; liability for unpaid taxes. (a) A person or entity commits the offense of unlawful shipment of tobacco products if the person or entity:

- (1) Is engaged in the business of selling tobacco products; and
- (2) Knowingly ships or causes to be shipped any tobacco products to a person or entity in this State that is not a licensee under this chapter.

(b) This section shall not apply to the shipment of tobacco products if any of the following conditions are met:

- (1) The tobacco products are exempt from taxes as provided by section 245-3(b); or
- (2) All applicable state taxes on the tobacco products are paid in accordance with the requirements of this chapter.
- (c) Unlawful shipment of tobacco products shall be:

(1) A misdemeanor if the person or entity knowingly ships or causes to be shipped tobacco products having a value of less than \$10,000, in violation of subsection (a); and

(2) A class C felony if the person or entity knowingly ships or causes to be shipped tobacco products having a value of \$10,000 or more, in violation of subsection (a).

(d) Notwithstanding the existence of other remedies at law, any person or entity that purchases, uses, controls, or possesses any tobacco products for which the applicable taxes imposed under title 14 have not been paid shall be liable for the applicable taxes, plus any penalty and interest as provided for by law.

(e) For purposes of this section:

(1) A person or entity is a licensee if the person's or entity's name appears on a list of authorized licensees published by the department; and

(2) "Value" means the retail fair market value at the time of the offense."

SECTION 2. Section 245-1, Hawaii Revised Statutes, is amended as follows:

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

"E-liquid" means any liquid or like substance, which may or may not contain nicotine, that is designed or intended to be used in an electronic smoking device, whether or not packaged in a cartridge or other container.

"E-liquid" does not include:

(1) Prescription drugs;

(2) Cannabis for medical use pursuant to chapter 329 or manufactured cannabis products pursuant to chapter 329D; or

(3) Medical devices used to aerosolize, inhale, or ingest prescription drugs, including manufactured cannabis products described in section 329D-10.

"Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to a person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, and subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)."

2. By amending the definition of "tobacco products" to read:

"Tobacco products" means [tɒbæˈeɪtɔː].

(1) Tobacco in any form, other than cigarettes or little cigars, that is prepared or intended for consumption or for personal use by humans, including large cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco[-]; or

(2) Electronic smoking devices; or

(3) E-liquid."

SECTION 3. Section 245-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The license shall be issued by the department upon application therefor, in [sʌtʃ] the form and manner [as shall be] required by rule of the

department, and the payment of a fee of [~~\$2.50,~~] \$250, and shall be renewable annually on July 1 for the twelve months ending the succeeding June 30.”

SECTION 4. Section 245-2.5, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The retail tobacco permit shall be issued by the department upon application by the retailer in the form and manner prescribed by the department, and the payment of a fee of [~~\$20,~~] \$50. Permits shall be valid for one year, from December 1 to November 30, and renewable annually. Whenever a retail tobacco permit is defaced, destroyed, or lost, or the permittee relocates the permittee’s business, the department may issue a duplicate retail tobacco permit to the permittee for a fee of \$5 per copy.

(d) A separate retail tobacco permit shall be obtained for each place of business owned, controlled, or operated by a retailer. In seeking a retail tobacco permit, the applicant shall specify whether each place of business sells electronic smoking devices, e-liquid, or both. A retailer that owns or controls more than one place of business may submit a single application for more than one retail tobacco permit. Each retail tobacco permit issued shall clearly describe the place of business where the operation of the business is conducted[-] and whether the place of business sells electronic smoking devices, e-liquid, or both.”

SECTION 5. Section 245-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Every wholesaler or dealer, in addition to any other taxes provided by law, shall pay, for the privilege of conducting business and other activities in the State[-], an excise tax equal to:

- (1) [~~An excise tax equal to~~] 5.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 1998, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (2) [~~An excise tax equal to~~] 6.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after September 30, 2002, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (3) [~~An excise tax equal to~~] 6.50 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 2003, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (4) [~~An excise tax equal to~~] 7.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 2004, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (5) [~~An excise tax equal to~~] 8.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after September 30, 2006, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (6) [~~An excise tax equal to~~] 9.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after September 30, 2007, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (7) [~~An excise tax equal to~~] 10.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after September 30,

- 2008, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (8) [~~An excise tax equal to~~] 13.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after July 1, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (9) [~~An excise tax equal to~~] 11.00 cents for each little cigar sold, used, or possessed by a wholesaler or dealer on and after October 1, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (10) [~~An excise tax equal to~~] 15.00 cents for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer on and after July 1, 2010, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (11) [~~An excise tax equal to~~] 16.00 cents for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer on and after July 1, 2011, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (12) [~~An excise tax equal to seventy~~] Seventy per cent of the wholesale price of each article or item of tobacco products, other than large cigars, electronic smoking devices, and e-liquids, sold by the wholesaler or dealer on and after September 30, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer; [~~and~~]
 - (13) [~~An excise tax equal to fifty~~] Fifty per cent of the wholesale price of each large cigar of any length[;] sold, used, or possessed by a wholesaler or dealer on and after September 30, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer[;] and
 - (14) Seventy per cent of the wholesale price of each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer on and after January 1, 2024, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer.

Where the tax imposed has been paid on cigarettes, little cigars, or tobacco products that thereafter become the subject of a casualty loss deduction allowable under chapter 235, the tax paid shall be refunded or credited to the account of the wholesaler or dealer. The tax shall be applied to cigarettes through the use of stamps.”

SECTION 6. Chapter 28, part XII, Hawaii Revised Statutes, is repealed.

SECTION 7. Section 245-17, Hawaii Revised Statutes, is repealed.

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

ACT 63

SECTION 10. This Act shall take effect on July 1, 2023.

(Approved June 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 63

S.B. NO. 588

A Bill for an Act Relating to Excessive Noise.

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

SECTION 1. (a) The department of transportation, in conjunction with any county having a population greater than five hundred thousand, shall develop and implement a pilot program to use noise detection traffic cameras to address excessive traffic noise in urban areas of each participating county.

(b) The department of transportation 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 2025.

SECTION 2. There is appropriated out of the state highway fund the sum of \$2,500,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the purposes of this Act.

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

SECTION 3. This Act shall take effect on July 1, 2023, and shall be repealed on December 31, 2025.

(Approved June 7, 2023.)

ACT 64

H.B. NO. 968

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 purpose of this Act is to appropriate funds to the University of Hawaii Pamantasan Council for three full-time equivalent (3.0 FTE) positions.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$310,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to fund the establishment of the following positions for the University of Hawaii Pamantasan Council:

- (1) One full-time equivalent (1.0 FTE) permanent faculty position at Leeward community college;
- (2) One full-time equivalent (1.0 FTE) permanent faculty position at the University of Hawaii Maui college; and
- (3) One full-time equivalent (1.0 FTE) permanent administrative, professional, and technical position at the University of Hawaii at Manoa.

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 3. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$310,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,077,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 4. This Act shall take effect on July 1, 2023.

(Approved June 7, 2023.)

Note

1. Act 164.

ACT 65

H.B. NO. 16

A Bill for an Act Relating to Liquor.

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

SECTION 1. Section 281-31, Hawaii Revised Statutes, is amended by amending subsection (u) to read as follows:

“(u) Any provision to the contrary notwithstanding~~[, a]~~:

- (1) A patron may remove from any class of licensed premises any portion of wine, liquor, or beer that was purchased on or brought onto the premises of the licensee engaged in meal service for consumption with a meal; provided that ~~[#]~~ the wine, liquor, or beer is recorked or resealed in its original container~~[-]~~; and
- (2) Licensees engaged in meal service may sell unopened beer, wine, and prepackaged cocktails with food for pick up, delivery, take out, or other means to be consumed off-premises.”

SECTION 2. Section 281-39, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A license issued under this chapter shall authorize the doing of the business licensed only at the place described in the license, which shall be known as the licensed premises, except:

- (1) In case of a removal with the prior written consent of the liquor commission indorsed on the license, or outside warehousing which may be located off the licensed premises with prior written consent of the liquor commission; ~~[and]~~

ACT 66

- (2) That the units that are used to provide transient lodging under a class 15 license may change from time to time; provided that the condominium hotel operator shall submit quarterly to the commission the list of units being utilized as part of the condominium hotel and ~~maintains~~ maintain a current list pursuant to section 281-35.5 at a condominium hotel for inspection by any authorized employee of the commission~~[-]; and~~
- (3) Any provision to the contrary notwithstanding, that a licensee holding a class 4 retail dealer license may deliver a customer's purchased liquor to the customer's vehicle located at a nearby curbside or other designated location."

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 7, 2023.)

ACT 66

H.B. NO. 28

A Bill for an Act Relating to State Programs.

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

PART I

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$700,000 or so much thereof as necessary for fiscal year 2023-2024 for the department of taxation to upgrade software and computer systems.

The sum appropriated shall be expended by the department of taxation for the purposes of this part.

PART II

SECTION 2. The legislature finds that the United States Department of Energy Regional Clean Hydrogen Hubs program is providing \$7,000,000,000 to establish up to ten regional clean energy hubs across America. As part of a larger \$8,000,000,000 hydrogen hub program funded through the Infrastructure Investment and Jobs Act, the Regional Clean Hydrogen Hubs program will be a central driver in helping communities across the country benefit from clean energy investments, good-paying jobs, and improved energy security.

The legislature further finds that the United States Department of Energy selected Hawaii as one of thirty-three public-private consortiums to compete for the federal funding. Proposed as the Hawaii Pacific hydrogen hub, the department of business, economic development, and tourism is leading the consortium to leverage \$500,000,000 in private investment for \$500,000,000 in matching funds from the United States Department of Energy that will drive the production, processing, delivery, storage, and end-use of clean hydrogen, including innovative uses in the industrial sector. The State's strategic military position in the Indo-Pacific and its partnerships with the United States Department of Defense make its proposal unique amongst its competition. The United States Department of Defense is seeking to replace petroleum-based fuels with hydrogen ve-

hicles and platforms so the United States Department of Defense may become a major customer for the consortium. If fully built and implemented, the Hawaii Pacific hydrogen hub will become a major industry and job center for the State.

Accordingly, the purpose of this part is to:

- (1) Require the department of business, economic development, and tourism to work with the University of Hawaii on workforce development activities that support the development of the Hawaii Pacific hydrogen hub and other related aspects of the State's hydrogen energy industry; and
- (2) Appropriate funds for the Hawaii Pacific hydrogen hub.

SECTION 3. The department of business, economic development, and tourism shall work with the University of Hawaii on workforce development activities that support the development of the Hawaii Pacific hydrogen hub and other related aspects of the State's hydrogen energy industry.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,500,000 or so much thereof as necessary for fiscal year 2023-2024 and the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 to develop the Hawaii Pacific hydrogen hub.

The sums appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.

PART III

SECTION 5. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$6,200,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,069,967,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (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 6. This Act shall take effect on July 1, 2023.

(Approved June 7, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Fireworks.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,065,017,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that illegal use of fireworks in Hawaii has caused brush fires, structural fires, injuries, and even death despite the various local, state, and federal laws governing the manufacture, transportation, distribution, sale, and use of fireworks. These laws continue to be violated at what appears to be an increasing rate. While law enforcement efforts to control illegal fireworks in Hawaii have had limited results, the legislature finds that a concerted multi-jurisdictional approach is needed to address the illegal fireworks problem in Hawaii.

The purpose of this Act is to establish an illegal fireworks task force to plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks; develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.

SECTION 3. (a) There shall be established within the department of law enforcement for administrative purposes the illegal fireworks task force. The task force shall use the findings from the legislative reference bureau's 2019 report, "Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011", as the basis for developing a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.

(b) The director of law enforcement or the director's designee shall be the chair of the task force.

(c) The following individuals or their designees shall serve as members of the task force:

- (1) Attorney general;
- (2) Deputy director of the harbors division of the department of transportation;
- (3) Chief of police of each county police department; and
- (4) Prosecuting attorney of each county.

(d) The chair shall invite representatives of the following federal entities to serve as members of the task force:

- (1) United States Attorney's Office, District of Hawaii;
- (2) United States Department of Homeland Security;
- (3) Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (4) Federal Bureau of Investigation;

- (5) United States Coast Guard;
- (6) United States Customs and Border Protection; and
- (7) Office of Homeland Security Investigations of the United States Department of Homeland Security.

(e) The task force and their represented agencies may plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks and the task force shall develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.

(f) The task force shall submit an interim report on the status of its comprehensive strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024. The task force shall submit a final report of its comprehensive strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,250,000 or so much thereof as may be necessary for fiscal year 2023-2024 to carry out the purposes of this Act, including the hiring of necessary administrative support staff for the task force, operation of the task force, and reimbursement of funds to law enforcement agencies for task-force-related law enforcement operations, including law enforcement personnel, overtime and other salary-related payments, charges for fuel, equipment, and storage and disposal of confiscated fireworks.

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

SECTION 5. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, 2025.

(Approved June 7, 2023.)

Note

1. Act 164.

ACT 68

S.B. NO. 1268

A Bill for an Act Relating to Agricultural Lands.

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

SECTION 1. Section 141D-2, Hawaii Revised Statutes, is amended by amending the definition of “agricultural enterprise lands” to read as follows:

““Agricultural enterprise lands” means agricultural lands that are ~~not designated as agricultural parks or non-agricultural park lands~~ transferred to and managed by the department pursuant to this chapter [166 or 166E].”

SECTION 2. Section 166E-2, Hawaii Revised Statutes, is amended by amending the definition of “non-agricultural park lands” to read as follows:

““Non-agricultural park lands” means lands that are ~~not designated as agricultural parks~~ transferred to and managed by the department pursuant to this chapter [166].”

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 7, 2023.)

A Bill for an Act Relating to Preliminary Determination of Probable Cause.

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

SECTION 1. Section 11-405, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Upon hearing the response, if the respondent explains or otherwise responds to the complaint, and upon completion of any investigation, the commission may make a prompt preliminary determination as to whether probable cause exists that a violation of this part has been committed. The preliminary determination with findings of fact and conclusions of law shall be served upon the respondent by ~~[certified mail.]~~ first-class mail. As a courtesy, the commission shall send the preliminary determination with findings of fact and conclusions of law to the respondent by electronic mail; provided that the electronic mail shall not constitute service. If the respondent is a candidate, candidate committee, or noncandidate committee and the preliminary determination is mailed to the address contained in the organizational report of the candidate or committee, there shall be a presumption that the candidate or committee received the preliminary determination within seven business days of the preliminary determination being mailed.”

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 7, 2023.)

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 Appropriations Act of 2023.

SECTION 2. Unless otherwise clear from the context, as used in this Act: “Means of Financing,” or “MOF,” means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

- A General funds
- B Special funds
- C General obligation bond funds
- W Revolving funds

“Position ceiling” means the maximum number of permanent or temporary positions authorized for a particular program during a specified period or periods, as noted by an asterisk or pound sign, respectively.

“Program ID” means the unique identifier for the specific program and consists of the abbreviation for the judiciary (JUD) followed by a designated number for the program.

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, 2023, and ending June 30, 2025. 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				APPROPRIATIONS	
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL M	FISCAL M
				YEAR O	YEAR O
				2023-2024 F	2024-2025 F
The Judicial System					
1.	JUD101	- COURTS OF APPEAL		82.00*	82.00*
		OPERATING	JUD	1.48#	1.48#
				8,649,904A	8,960,647A
2.	JUD310	- FIRST JUDICIAL CIRCUIT		1,107.50*	1,107.50*
		OPERATING	JUD	64.58#	64.58#
			JUD	93,530,037A	95,881,481A
			JUD	35.00*	35.00*
				4,177,883B	4,261,273B
3.	JUD320	- SECOND JUDICIAL CIRCUIT		210.50*	210.50*
		OPERATING	JUD	1.68#	1.68#
				19,398,739A	19,951,098A
4.	JUD330	- THIRD JUDICIAL CIRCUIT		242.00*	242.00*
		OPERATING	JUD	5.20#	5.20#
				23,437,911A	24,063,817A
5.	JUD350	- FIFTH JUDICIAL CIRCUIT		103.00*	103.00*
		OPERATING	JUD	2.60#	2.60#
				8,755,703A	9,004,124A
6.	JUD501	- JUDICIAL SELECTION COMMISSION		1.00*	1.00*
		OPERATING	JUD	110,099A	114,074A
7.	JUD601	- ADMINISTRATION		228.00*	228.00*
		OPERATING	JUD	8.48#	8.48#
				31,266,318A	31,040,535A
				1.00*	1.00*

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
				9.00#	9.00#
			JUD	8,195,369B	8,241,219B
			JUD	343,261W	343,261W
	INVESTMENT CAPITAL		JUD	17,955,000C	C
			JUD	3,000,000A	A

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, may transfer sufficient funds and positions between programs for operating purposes; and provided further that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 5. Provided that if the chief justice, or any agency or government unit, secures federal funds or other property under any act of Congress, or any funds or other property from private organizations or individuals, to be expended in connection with any program or works authorized by this Act or otherwise, the chief justice, or the agency or government unit with the chief justice’s approval, may enter into the undertaking with the federal government, private organization, or individual.

SECTION 6. Provided that the judiciary may transfer savings from its general fund appropriation to the driver education and training fund to accommodate any temporary cash flow deficits.

SECTION 7. Provided that of the general fund appropriation for administration (JUD601), the sum of \$333,333 or so much thereof as may be necessary for fiscal year 2023-2024 shall be expended for actuaries to determine cost-of-living adjustments for services on a fee basis costs that account for increase in inflation.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of \$20,955,000 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 2023-2024	FISCAL YEAR 2024-2025
A. ECONOMIC DEVELOPMENT					
JUD601 - ADMINISTRATION					
1.		ALIIOLANI HALE A/C REPLACEMENT, OAHU CONSTRUCTION AND EQUIPMENT FOR A/C SYSTEM REPLACEMENT AT ALIIOLANI HALE, OAHU.	JUD	3,000C	C
		TOTAL FUNDING			
2.		CHILDREN'S JUSTICE CENTER, OAHU PLANS, LAND, DESIGN, AND CONSTRUCTION FOR A NEW FACILITY FOR THE RELOCATION OF THE CHILDREN'S JUSTICE CENTER, OAHU; EQUIPMENT AND APPURTENANCES.	JUD	6,000C	C
		TOTAL FUNDING			
3.		HOAPILI HALE REDIRECTION OF CONDENSATE, MAUI PLANS AND DESIGN FOR REDIRECTION OF CONDENSATE DISCHARGE AT HOAPILI HALE, MAUI.	JUD	300C	C
		TOTAL FUNDING			
4.		KAAHUMANU HALE ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION, OAHU CONSTRUCTION FOR ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION AT KAAHUMANU HALE, OAHU.	JUD	4,505C	C
		TOTAL FUNDING			
5.		KAUAI JUDICIARY COMPLEX REROOFING AND RELATED IMPROVEMENTS PHASE 3, KAUAI DESIGN AND CONSTRUCTION TO REROOF AND REPAIR LEAKS AND DAMAGES AT KAUAI JUDICIARY COMPLEX, KAUAI.	JUD	4,150C	C
		TOTAL FUNDING			
6.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.	JUD	3,000A	A
		TOTAL FUNDING			

PART V. ISSUANCE OF BONDS

SECTION 9. 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 total of the general obligation bonds so issued shall not exceed \$17,955,000.

PART VI. SPECIAL PROVISIONS

SECTION 10. Any provision of this Act to the contrary notwithstanding, all appropriations made for capital improvement projects authorized in part II and listed in part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations is made; provided that the appropriations made to be expended in fiscal biennium 2023-2025 that are unencumbered as of June 30, 2026, shall lapse as of that date; provided further that:

- (1) Appropriations out of the general revenues of the State for fiscal year 2023-2024 and fiscal year 2024-2025 for capital improvement projects authorized in part II and listed in part IV of this Act that are not expended or encumbered by June 30, 2024, and June 30, 2025, respectively, shall lapse as of those dates; and
- (2) Appropriations for projects authorized in part II and listed in part IV of this Act where the appropriations have been deemed necessary to qualify for federal aid financing and reimbursement that are unencumbered as of June 30, 2030, shall lapse as of that date.

SECTION 11. The judiciary may delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 12. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 13. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 14. Where it has been determined that changed conditions, such as a reduction in the particular population being served, permit the reduction in the scope of a project listed in part IV of this Act, the chief justice may authorize the reduction of project scope.

SECTION 15. The chief justice shall determine when and the manner in which the authorized capital improvement projects shall be initiated. The chief justice shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for those amounts through the issuance of bonds authorized in part II and listed in part IV of this Act.

SECTION 16. Any law or any provision of this Act to the contrary notwithstanding, the chief justice may supplement funds for any cost element of a capital improvement project authorized under this Act by transferring sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or by any other prior or future Act that has not lapsed; provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriation for that project.

PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 17. (a) In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$188,148,711 or 2 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,251,916,078 or 12 per cent.

(b) In accordance with section 9 of article VII 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 expenditure ceiling for fiscal year 2024-2025 to be exceeded by \$189,015,776 or 2 per cent.

(c) The reasons for exceeding the general fund expenditure ceiling are that:

- (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 18. 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 this 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 19. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice may correct the error. All changes made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 20. This Act shall take effect on July 1, 2023.

(Approved June 7, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to the Budget of the Office of Hawaiian Affairs.

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

PART I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the office of Hawaiian affairs Appropriations Act of 2023.

PART II. PROGRAM APPROPRIATIONS

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for beneficiary advocacy.

The sums appropriated shall be expended by the office of Hawaiian affairs for the purposes of this Act.

SECTION 3. There is appropriated out of the public land trust fund the sum of \$3,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for beneficiary advocacy.

The sums appropriated shall be expended by the office of Hawaiian affairs for the purposes of this Act.

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended for office of Hawaiian affairs beneficiaries for occupancy-ready housing needs.

SECTION 5. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$415,000 in general funds and \$415,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended to provide for social services, including referral services and case management, to at-risk office of Hawaiian affairs beneficiaries to immediately address unexpected crises; provided further that program activities shall be designed with an overall objective to provide financial assistance to improve stability during emergency situations; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purpose of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, or a competitive grants process, as appropriate.

SECTION 6. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$615,000 in general funds and \$615,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended to provide for educational improvement programs for Native Hawaiian students; provided further that program activities shall be designed to help Native Hawaiian students prepare for post-secondary education and economic stability pursuits to support families and communities; provided further that notwithstanding section 10-17(e), Hawaii Revised Statutes, any

expenditures for the purposes of this section shall be in accordance with chapter 103D or 103F, Hawaii Revised Statutes, or a competitive grants process, as appropriate.

SECTION 7. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$600,000 in general funds and \$600,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended to provide for legal services and legal representation to office of Hawaiian affairs beneficiaries for:

- (1) The assertion and defense of quiet title actions;
- (2) Assistance with ahupua`a and kuleana tenant rights, including rights of access and rights to water;
- (3) Land title assistance, including review of title and genealogy;
- (4) Preservation of traditional and customary practices;
- (5) Protection of culturally significant places, including iwi kūpuna protections;
- (6) Preservation of Native Hawaiian land trust entitlements;
- (7) Home ownership retention strategies for Native Hawaiians; and
- (8) Family law-related matters, including adoption, foster care, child welfare, incarcerated individuals, guardianship, elder care, and similar matters;

provided further that, notwithstanding section 10-17(e), Hawaii Revised Statutes, any funds expended for the purposes of this section shall be made in accordance with chapter 103D or 103F, Hawaii Revised Statutes, as appropriate.

SECTION 8. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$500,000 in general funds and \$500,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended for protections of `āina (land and water), including climate change adaptation and mitigation strategies and practices.

SECTION 9. Provided that of the funds appropriated for beneficiary advocacy, the sum of \$370,000 in general funds and \$370,000 in trust funds for fiscal year 2023-2024 and the same sums for fiscal year 2024-2025 shall be expended for `ohana (families and communities) economic stability.

PART IV. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 10. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$3,000,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,066,767,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

ACT 72

SECTION 11. Provided that, whenever necessary, the board of trustees of the office of Hawaiian affairs or the board's designee may transfer sufficient funds and positions between programs for operating purposes; provided further that these transfers shall be consistent with legislative intent; provided further that the office of Hawaiian affairs shall submit a report to the legislature of all uses of this authority for the previous twelve-month period from December 1 to November 30, no later than twenty days prior to the regular sessions of 2024 and 2025.

SECTION 12. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, 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 13. In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the board of trustees of the office of Hawaiian affairs is authorized to correct these errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 14. This Act shall take effect on July 1, 2023.

(Approved June 7, 2023.)

Note

1. Act 164.

ACT 72

H.B. NO. 1183

A Bill for an Act Relating to State Parks.

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

SECTION 1. The legislature finds that every county in Hawaii has identified "hot spots" in their destination management action plans. These "hot spots" are areas or sites that attract visitors due to the sites' popularity, which may result in overcrowding, congestion, degradation of resources, safety hazards, and a negative experience for residents and visitors.

The legislature further finds that many of these "hot spots" are state parks. To address overcrowding, the department of land and natural resources' division of state parks has developed management tools, such as establishing entry and parking reservation systems, increasing fees, improving interpretive signage, adding park rangers, subcontracting shuttle systems, and making needed park improvements.

The legislature finds that the successful Haena state park model, involving community-led, government-sponsored management, has reversed decades of overcrowding, abuse of natural resources, and negative impacts to the surrounding residential community. The installation of a boardwalk through restored loi, operation of a shuttle by a community-based nonprofit organization, existence of a parking attendant station and new parking lot, and potential restoration of seventeen acres of loi has resulted in increased revenue for the state parks special fund and created thirty-five new jobs on Kauai, with north shore residents filling

half of these positions. Based on the success of the Haena state park experience, the legislature believes that exempting parking lot operations at state parks from the bidding requirements for concessions operated on public property will allow for similar long-term management partnerships to be enacted through community and place-based nonprofit organizations.

The purpose of this Act is to exempt parking lot operations at state parks and operation of concessions at certain state parks from the bidding requirements for concessions operated on public property.

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

“(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, state parks, 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~~] 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;
- (10) 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 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 designated county park, and operating under agreement with the appropriate agency solely for those purposes, aims, and goals;
- (11) For operation of concessions at state parks that are designated by the board of land and natural resources as environmentally, culturally, historically, or operationally unique and are supported by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting state aims and goals of the designated state park, and operating under agreement with the appropriate agency solely for those purposes, aims, and goals;

- ~~[(11)]~~ (12) 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;
- ~~[(12)]~~ (13) 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;
- ~~[(13)]~~ (14) For any of the operations of the Hawaii health systems corporation and its regional system boards;
- ~~[(14)]~~ (15) For airport operation of concessions; and
- ~~[(15)]~~ (16) For the operations of the natural energy laboratory of Hawaii authority.”

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 8, 2023.)

ACT 73

H.B. NO. 1255

A Bill for an Act Relating to Special Purpose Revenue Bonds.

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

SECTION 1. The legislature finds that the west Maui community critically needs a hospital. Currently, even with additional funding and improvements, ambulance access on Maui is stretched thin. The portion of west Maui that would be served by the proposed West Maui Hospital and Medical Center is connected to the rest of the island only by a small airport having limited services and a two-lane highway that is constantly under threat of being blocked due to an accident, fire, or other natural disaster. The legislature further finds that a hospital in this region would integrate well with the island's existing health care system.

The legislature also finds that the west Maui area continues to grow, with the development of new affordable housing projects, a projected new development by the department of Hawaiian home lands, and ever-increasing visitor numbers. As a result, the need for a new health care facility to serve the region will also continue to grow.

The legislature additionally finds that the State recently remedied a similar situation when it granted Queen's North Hawaii Community Hospital a certificate of need, which allowed for the construction of a facility comparable to the proposed West Maui Hospital and Medical Center.

Accordingly, the legislature finds that establishing the proposed West Maui Hospital and Medical Center would help meet the community's emergency medical needs and provide crucial bed capacity, with the possibility of providing access to specialty and long-term care for the ever-growing but isolated west Maui community.

The legislature further finds that special purpose revenue bonds are an important tool that may be used to financially support the development of health care facilities. Therefore issuing special purpose revenue bonds for the construction of West Maui Hospital and Medical Center will help build the capital required to realize the construction and operation of this long-overdue medical facility.

Accordingly, the purpose of this Act is to authorize the issuance of special purpose revenue bonds to assist West Maui Hospital Foundation, Inc., in the construction of West Maui Hospital and Medical Center, including any necessary infrastructure.

SECTION 2. 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 3. 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 \$20,000,000, in one or more series, for the purpose of assisting West Maui Hospital Foundation, Inc., a Hawaii nonprofit corporation, with financing of costs related to the design and construction of and equipment for West Maui Hospital and Medical Center in the county of Maui, including any necessary infrastructure improvements. The legislature hereby finds and determines that the construction of West Maui Hospital and Medical Center constitutes 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 4. 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 5. The department of budget and finance is authorized, from time to time, including times subsequent to June 30, 2028, 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 3 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 3. 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, 2028.

ACT 74

SECTION 7. The authorization of special purpose revenue bonds pursuant to this Act shall be made notwithstanding any limitation in Act 182, Session Laws of Hawaii 2022.

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved June 13, 2023.)

ACT 74

H.B. NO. 353

A Bill for an Act Relating to Health Care Education.

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

SECTION 1. The legislature finds that the University of Hawaii Maui college has a new hybrid program designed especially for working certified nurse aides and other health care professionals who want to become licensed practical nurses. The certified nurse aide to practical nurse bridge program partners with Hale Makua, 'Ohana Pacific Health, and Kaiser Permanente Hawaii and provides eligible Maui and Oahu health care professionals with the opportunity to become licensed practical nurses while they are working. Graduates from the program are prepared to work under the supervision of a registered nurse or physician in hospitals, extended care facilities, private nursing agencies, home health agencies, clinics, and physician offices.

The legislature also finds that the University of Hawaii Maui college is hoping to expand the program statewide. Additional funding is needed for instructional costs to provide clinical and laboratory courses to accommodate a threefold expansion of licensed practical nursing students statewide, increasing the pool from ten students to thirty students annually. Student aid funding is also needed to support a minimum of twenty students in completing prerequisite courses that will enable the students to apply to the certified nurse aide to practical nurse bridge program, and cover all tuition, fees, supplies, and related costs while the students participate in the program.

Accordingly, the purpose of this Act is to appropriate funds for the expansion of the certified nurse aide to practical nurse bridge program at the University of Hawaii Maui college, including funding for instructional costs and student aid.

SECTION 2. 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 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for instructional costs, including the cost of casual employees and overload pay, for the certified nurse aide to practical nurse bridge program at the University of Hawaii Maui college.

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

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 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to provide student aid to participants in the certified nurse aide to practical nurse bridge program at the University of Hawaii Maui college, including tuition, fees, supplies, and related costs.

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$330,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,097,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved June 13, 2023.)

Note

1. Act 164.

ACT 75

S.B. NO. 933

A Bill for an Act Relating to Temporary Restraining Orders.

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

SECTION 1. The legislature finds that, since the onset of the coronavirus disease 2019 pandemic, there has been an increase in gender-based violence against women in Hawai'i, particularly through intimate partner violence. Further, the Domestic Violence Action Center's Helpline reported a forty-six per cent increase in calls to report cases of domestic and intimate partner violence from late March to early October 2022. The legislature notes that, though temporary restraining order (TRO) petitions are initially acted upon by a family court judge without a court hearing, a mandatory hearing is held within fifteen days of a TRO being granted in order to determine whether the TRO should remain in effect.

The legislature further finds that the adversarial nature of the legal system requires petitioners who have received TROs to face their alleged abusers in court during these hearings. The legislature also finds that, notwithstanding the safety protocols that the judiciary takes to protect parties during in-person TRO hearings, the physical presence of the parties within the same room may allow for respondents to intimidate petitioners through words or body language. Further, a 2020 study by the University of Arizona found that eighty-one per cent of legal advocates indicated that many, most, or all of their clients identified the behaviors of the alleged abuser or abusers' associates in court as a source of re-traumatization. The legislature also notes that survivors of domestic and intimate partner violence often lack access to transportation, child care, and paid

time off, which can make mandatory in-person hearings especially burdensome for petitioners.

Accordingly, the purpose of this Act is to:

- (1) Authorize the family courts to allow petitioners to attend TRO hearings remotely upon request;
- (2) Require the family courts to consider certain factors when approving a request for remote attendance; and
- (3) Require the family courts to allow petitioners who allege domestic abuse to attend TRO hearings remotely.

SECTION 2. Section 586-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) On the earliest date that the business of the court will permit, but no later than fifteen days from the date the temporary restraining order is granted, the court, after giving due notice to all parties, shall hold a hearing on the application requiring cause to be shown why the order should not continue. In the event that service has not been effected, the court may set a new date for the hearing; provided that the date shall not exceed ninety days from the date the temporary restraining order was granted. All parties shall ~~[be present at]~~ attend the hearing and may be represented by counsel. The court shall allow the petitioner to attend the hearing remotely if the petitioner’s allegations include at least one allegation of domestic abuse as defined in section 586-1. In cases where the petitioner’s allegations do not include at least one allegation of domestic abuse as defined in section 586-1, the court may allow the petitioner to attend the hearing remotely, with consideration of factors such as the petitioner’s lack of transportation, child care, and paid time off, as well as the petitioner’s fear of the respondent’s presence.

The protective order may include all orders stated in the temporary restraining order and may provide further relief, as the court deems necessary to prevent domestic abuse or a recurrence of abuse, including orders establishing temporary visitation with regard to minor children of the parties and orders to either or both parties to participate in domestic violence intervention.”

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

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

(Approved June 14, 2023.)

A Bill for an Act Relating to Campus Safety.

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

SECTION 1. The legislature finds that college campuses should be safe from sexual and domestic violence. According to the Rape, Abuse & Incest National Network, the nation’s largest anti-sexual violence organization, thirteen per cent of all college students experience rape or sexual assault through physical force, violence, or incapacitation. Among undergraduate students, 26.4 per cent of females and 6.8 per cent of males experience rape or sexual assault through physical force, violence, or incapacitation.

The legislature further finds that incidents of sexual and domestic violence are also pervasive on college campuses in the State. More than nineteen per cent of students who were in a partnered relationship while enrolled at the University of Hawaii reported having experienced dating violence or domestic violence. In addition, about ten per cent said they had been sexually harassed or stalked, and 6.3 per cent reported nonconsensual sexual contact, according to a survey of students released by the university in January 2018.

The legislature additionally finds that a study released in the journal *Radiology* in August 2020 found a higher incidence of physical intimate partner violence, both in numbers and proportion, and that the injuries that victims suffered were much more severe.

Given the already elevated prevalence of sexual and domestic violence on college campuses, the legislature finds that strengthening campus safety protocols to ensure that students are adequately protected from escalating incidents of abuse is a matter of statewide concern.

The purpose of this Act is to expand protections for victims of sexual and domestic violence at the University of Hawaii by:

- (1) Requiring the university to ensure that any individual who participates in implementing the university's disciplinary process has training or experience in handling sexual misconduct complaints and the university's disciplinary process;
- (2) Requiring that the university provide mandatory annual, trauma-informed, gender-inclusive, LGBTQ+-inclusive sexual misconduct primary prevention and awareness programming for all students and employees of the university;
- (3) Prohibiting the university from taking certain disciplinary action against individuals reporting sexual misconduct unless certain exceptions apply; and
- (4) Establishing positions and appropriating funds.

SECTION 2. Section 304A-120, Hawaii Revised Statutes, is amended to read as follows:

“§304A-120 Campus safety and accountability. (a) The University of Hawaii shall:

- (1) Train all University of Hawaii students enrolled at least part-time and employees, including campus safety and security personnel, Title IX coordinators, confidential advocates, and residential advisors, on:
 - (A) Public Law 92-318, Title IX of the federal Education Amendments of 1972, as amended;
 - (B) The Violence Against Women Act of 1994, as amended; and
 - (C) University of Hawaii executive policies on sexual [~~harassment, sexual assault, domestic violence, dating violence, and stalking;~~] misconduct;
- (2) Provide all existing University of Hawaii employees with the training described in paragraph (1) by ~~[July 1, 2017,]~~ December 31, 2023, and every two years thereafter;
- (3) Provide all new University of Hawaii employees with the training described in paragraph (1) no later than thirty days after the date of first employment;
- (4) Provide all students with the training described in paragraph (1) annually;
- (5) Ensure that any individual who participates in the implementation of the University of Hawaii's disciplinary process, including confidential advocates; individuals responsible for resolving complaints

- of reported incidents; and individuals responsible for conducting a meeting, hearing, or other disciplinary proceeding or informal resolution process, has training or experience in handling sexual misconduct complaints and the university's disciplinary process; provided that the training shall include:
- (A) The effects of trauma, including any neurobiological and physical impact trauma, on a person;
 - (B) Cultural competence training regarding how sexual misconduct may impact individuals differently depending on factors related to an individual's cultural background, including race; color; national origin; ethnicity; religion; economic status; disability; and sex, which includes gender identity, gender expression, sexual orientation, and pregnancy or parenting status;
 - (C) Ways to communicate sensitively and compassionately with a reporting party, including an awareness of responding with consideration of the reporting party's cultural background and providing services to the reporting party or assisting the reporting party in locating services; and
 - (D) Training and information regarding the possible impact of sexual misconduct on individuals having disabilities;
- [5] (6) At each campus of the University of Hawaii system, designate a confidential advocate for students to confidentially discuss incidents of, and obtain information on, sexual [~~harassment, sexual assault, domestic violence, dating violence, stalking,~~] misconduct and related issues; provided that confidential advocates and communications received by confidential advocates shall not be exempt from any otherwise applicable mandatory reporting requirements for child and vulnerable adult neglect and abuse as provided by chapters 346 and 350;
- [6] (7) Publicize the name, location, phone number, and [~~e-mail~~] electronic mail address of the confidential advocate on the website of each respective campus;
- [7] (8) Make available to students and employees written and electronic materials and training programs concerning Title IX of the [~~Higher~~] federal Education Amendments of 1972[;], as amended; the Violence Against Women Act of 1994[;], as amended; and University of Hawaii policies concerning sexual [~~harassment, sexual assault, domestic violence, dating violence, and stalking;~~ and] misconduct;
- [8] (9) Inform victims in writing of the right to file a police report with the appropriate county police department for investigation and assist victims in submitting the police report[-]; and
- (10) With guidance from the office of institutional equity, confidential advocates, prevention educators, local law enforcement, and local sexual and domestic violence advocacy organizations, provide mandatory annual trauma-informed, gender-inclusive, LGBTQ+-inclusive sexual misconduct primary prevention and awareness programming for all students enrolled at least part-time and employees of the university; provided that the programming shall include:
- (A) An explanation of consent as it applies to sexual activity and sexual relationships;
 - (B) The effect of drugs and alcohol on an individual's ability to consent;

- (C) Strategies for bystander and upstander intervention and risk reduction education that include recognition of individual biases and attitudes;
- (D) Methods to access supportive measures for reporting parties; and
- (E) Culturally responsive methods to address the unique experiences and challenges faced by individuals based on race; color; national origin; ethnicity; religion; economic status; disability; and sex, which includes gender identity, gender expression, sexual orientation, and pregnancy or parenting status.

(b) All University of Hawaii faculty members are designated as “responsible employees” under Public Law 92-318, Title IX of the federal Education Amendments of 1972, as amended, and shall report any violations of University of Hawaii executive policies regarding sexual [~~harassment, sexual assault, domestic violence, dating violence, and stalking~~] misconduct to the Title IX coordinator of the faculty member’s campus; provided that any faculty member designated as a confidential advocate pursuant to subsection [(a)(5)] (a)(6) shall not be a “responsible employee”; provided further that the confidential advocate shall annually provide general statistics to the Title IX coordinator about the number and type of incidents received by the confidential advocate.

(c) All University of Hawaii students and employees shall complete the training required under subsection (a)(1), (a)(2), (a)(3), [~~and~~] (a)(4), and (a)(10) or may be subject to fines, sanctions, or other discipline, as deemed appropriate by the University of Hawaii.

(d) The University of Hawaii shall not subject a reporting party or witness who asks for an investigation of sexual misconduct to a disciplinary proceeding or sanction for a violation of the university’s policy related to drug or alcohol use unless the university determines that the report of sexual misconduct was not made in good faith.

(e) If the University of Hawaii’s code of conduct prohibits sexual activity or certain forms of sexual activity, including same-gender relationships or sexual activity, the university shall not take disciplinary action against individuals reporting sexual misconduct or non-harassing sexual activity related to the incident or other non-harassing sexual activity discovered during an investigation into the reported incident.

(f) The University of Hawaii shall review any disciplinary action taken against a reporting party to determine if there is a link between the disclosed sexual misconduct and the misconduct that led to the reporting party being disciplined.

(g) Nothing in this section shall be construed to limit the University of Hawaii’s ability to establish an immunity policy for student conduct violations not mentioned in this section.

[(d)] (h) No later than March 31, 2017, and every two years thereafter, the University of Hawaii shall conduct a campus climate survey of all students. The University of Hawaii shall submit a report to the legislature no later than twenty days before the convening of each regular session that [~~shall include~~] includes:

- (1) A summary of the most recent campus climate survey results;
- (2) Information on the number of sexual assaults that occurred on a University of Hawaii system campus within the past five years; and
- (3) Recommendations and efforts to improve campus safety and accountability.

[(e)] (i) The University of Hawaii shall establish policies and procedures to effectuate this section.

(j) For purposes of this section:

“Reporting party” means a student or employee who reports to the University of Hawaii as having experienced an incident of sexual misconduct.

“Sexual harassment” means unwelcome conduct of a sexual nature.

“Sexual misconduct” means an incident of sex-based discrimination, sexual harassment, sexual violence, intimate partner violence, domestic violence, dating violence, sexual exploitation, or violence based on sexual orientation or gender identity or expression.

“Trauma-informed” means an understanding of the complexities of sexual misconduct through training centered on the neurobiological impact of trauma, symptoms of trauma, effective and supportive techniques to address trauma, the influence of societal myths and stereotypes surrounding the causes and impacts of trauma, perpetration methodology, and techniques for conducting an effective investigation.”

SECTION 3. There is appropriated out of the University of Hawaii tuition and fees special fund the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of four full-time equivalent (4.0 FTE) administrative, professional, and technical positions to enable the University of Hawaii to fulfill the requirements of this Act.

The sums appropriated shall be expended by the University of Hawaii 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 shall take effect on July 1, 2023.

(Approved June 14, 2023.)

ACT 77

S.B. NO. 406

A Bill for an Act Relating to Child Visitation.

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

SECTION 1. Section 571-46.3, Hawaii Revised Statutes, is amended to read as follows:

“§571-46.3 Grandparents’ visitation rights; petition; notice; order. (a) A grandparent or the grandparents of a minor child may file a petition with the court for an order of reasonable visitation rights. The court may award reasonable visitation rights; provided that the following [~~criteria are met:~~] findings are made:

- (1) [~~This~~] The State is the home state of the child at the time of the commencement of the proceeding; [and]
- (2) [~~Reasonable visitation rights are in the best interests of the child.~~] The petitioner’s child, who is a parent of the minor child, is otherwise unable to exercise parental visitation of the minor child due to incarceration or death; and
- (3) Denial of reasonable grandparent visitation rights would cause significant harm to the child.

(b) No hearing for an order of reasonable visitation rights under this section shall [~~be had unless~~] commence until each of the living parents and the

child's custodians [~~shall have had~~] are provided due notice, actual or constructive, of the allegations of the petition and of the time and place of the hearing [~~thereof~~].

(c) In any proceeding on a petition filed pursuant to this section, there shall be a rebuttable presumption that a parent's or custodian's decision regarding visitation is in the best interest of the child. The presumption may be rebutted by clear and convincing evidence that denial of reasonable grandparent visitation rights would cause significant harm to the child.

(d) In awarding reasonable grandparent visitation, the court shall be guided by all standards, considerations, and procedures for parent visitation rights under section 571-46.

(e) An order [made] issued pursuant to this section shall be enforceable by the court, and the court may issue other orders to carry out these enforcement powers if in the best interests of the child.

(f) Any person who violates the terms and conditions of an order awarding reasonable grandparent visitation rights pursuant to subsection (a) shall be subject to sanctions as determined by the court and in accordance with section 571-81."

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 14, 2023.)

ACT 78

S.B. NO. 712

A Bill for an Act Relating to Corrections.

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

SECTION 1. The legislature finds that a significant proportion of the individuals in the corrections and rehabilitation system have experienced serious trauma during their lifetimes.

The legislature further finds that corrections professionals who are trained to properly assess and interact with persons who have experienced trauma are better able to engage these persons. As a result, these persons are more likely to connect with vital services, less likely to commit disciplinary infractions, and tend to experience improved rehabilitation and reduced rates of recidivism.

The legislature also finds that the establishment of a level I trauma-informed certification program may help to ensure that the State's corrections professionals are properly trained in trauma-informed care. A program certificate would require the completion of three courses, including a basic trauma-informed care course for adult corrections officers, especially those assigned to the women's community correctional center. The trauma-informed care course would be based upon an existing course implemented by windward community college for mental health technicians at Hawaii state hospital, and thus has already been proven successful. Accordingly, providing the windward community college with the ability to offer trauma-informed care courses to ensure that

corrections professionals are properly trained is a matter of statewide concern that falls under the legislature’s purview pursuant to article X, section 6, of the Hawaii State Constitution.

The purpose of this Act is to require the department of public safety to collaborate with the university of Hawaii windward community college to support a level I trauma-informed certification program for adult corrections officers in the State.

SECTION 2. There shall be established a level I trauma-informed certification program to be placed within the university of Hawaii windward community college for adult corrections officers; provided that:

- (1) The department of public safety shall collaborate with and provide support to the university of Hawaii in carrying out the purposes of this Act;
- (2) Courses shall be offered in eight-week or sixteen-week-long blocks during the 2023-2024 academic year;
- (3) Eligible courses shall be offered at no cost to adult corrections officers employed by the department of public safety or succeeding agency;
- (4) The certificate shall require completion of a level I trauma-informed care course designed for adult corrections officers;
- (5) With the approval of the governor, the department of public safety, as the designated expending agency for moneys appropriated for the purpose of a level I trauma-informed certification program to be funded by operating funds authorized during the regular session of 2023, may delegate to the university of Hawaii windward community college the implementation of projects related or similar to the level I trauma-informed certification program established by this Act when it is determined advantageous or convenient to do so by both the original expending agency and the agency to which expending authority is to be delegated; and
- (6) Moneys appropriated may be used for instructor costs, tuition, supplies, books, any necessary class materials, speaker fees, travel by instructors to correctional facilities to provide skills-building workshops, and other expenses of the university of Hawaii.

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

(Approved June 14, 2023.)

ACT 79

H.B. NO. 349

A Bill for an Act Relating to Children.

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

SECTION 1. Section 571-11, Hawaii Revised Statutes, is amended to read as follows:

“**§571-11 Jurisdiction; children.** Except as otherwise provided in this chapter, the court shall have exclusive original jurisdiction in proceedings:

- (1) Concerning any person who is alleged to have committed an act [~~prior to~~] before achieving eighteen years of age that would constitute a violation or attempted violation of any federal, state, or local law or county ordinance. Regardless of where the violation

- occurred, jurisdiction may be taken by the court of the circuit where the person resides, is living, or is found, or in which the offense is alleged to have occurred;
- (2) Concerning any child living or found within the circuit[?] who is:
 - (A) [~~Who is neglected~~] Neglected as to or deprived of educational services because of the failure of any person or agency to exercise that degree of care for which it is legally responsible;
 - (B) [~~Who is beyond~~] Beyond the control of the child's parent or other custodian or whose behavior is injurious to the child's own or others' welfare;
 - (C) [~~Who is neither~~] Neither attending school nor receiving educational services required by law whether through the child's own misbehavior or nonattendance or otherwise; or
 - (D) [~~Who is in~~] In violation of curfew;
 - (3) To determine the custody of any child or appoint a guardian of any child;
 - (4) For the adoption of a person under chapter 578;
 - (5) For the termination of parental rights under sections 571-61 through 571-63;
 - (6) For judicial consent to the marriage, employment, or enlistment of a child, when consent is required by law;
 - (7) For the treatment or commitment of a mentally defective or mentally ill child, or a child with an intellectual disability;
 - (8) Under the Interstate Compact on Juveniles under chapter 582 or the Interstate Compact for Juveniles under chapter 582D;
 - (9) For the protection of any child under chapter 587A;
 - (10) For a change of name as provided in section 574-5(a)(2)(C); [~~and~~]
 - (11) Concerning custody or guardianship of an immigrant child pursuant to a motion for special immigrant juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen years for purposes of section 101(a)(27)(J) of the federal Immigration and Nationality Act. For the purposes of this paragraph, "child" means an unmarried individual under the age of twenty-one years[?]; and
 - (12) Concerning emancipation of a minor pursuant to section 577-25."

SECTION 2. Section 577-25, Hawaii Revised Statutes, is amended to read as follows:

~~“[§577-25]~~ **Emancipation of certain minors.** (a) Any law to the contrary notwithstanding, a minor [~~who has been married pursuant to chapter 572~~] shall be deemed to be emancipated [~~and shall be regarded as though he or she were of legal age and shall have all the rights, duties, privileges, and responsibilities provided by the civil law to a person who has reached the age of majority under civil law;~~ provided that:

- (1) ~~Nothing in this section shall be deemed to confer upon such person the right to vote in any federal, state, or county election or the right to purchase, possess, or sell alcoholic beverages; and~~
- (2) ~~Nothing in this section shall change the status of such persons as minors in connection with any criminal law, nor affect the exclusive original jurisdiction of the family court over such persons under section 571-11(1).~~

For purposes of this section, "minor" means a person under the age of majority:] if the minor has:

- (1) Entered into a valid marriage pursuant to chapter 572; or

(2) Received a declaration of emancipation issued by the family court pursuant to this section.

(b) An emancipated minor shall be considered to have the rights and responsibilities of an adult; provided that nothing in this section shall:

(1) Be deemed to confer upon an emancipated minor the right to vote in any federal, state, or county election, or the right to purchase, possess, consume, or sell alcoholic beverages, tobacco products, or electronic smoking devices;

(2) Prevent the petitioning minor from continuing to receive educational, mental health, or other services the minor is receiving solely due to the minor's age; or

(3) Change the status of the emancipated minor to be deemed a minor in connection with any criminal law or affect the exclusive original jurisdiction of the family court over such persons under sections 571-11(1) and (12).

(c) A minor shall be considered emancipated for the purposes of, but not limited to the right to:

(1) Enter into enforceable contracts, including apartment leases;

(2) Sue or be sued in the minor's own name;

(3) Retain the minor's personal earnings;

(4) Establish a separate domicile;

(5) Act autonomously, and with the rights and responsibilities of an adult, in all business relationships, including property transactions and obtaining accounts for utilities, except for estate or property matters that a court determines may require a conservator or guardian ad litem;

(6) Earn a living, subject only to the health and safety regulations designed to protect individuals under the age of majority regardless of their legal status;

(7) File the minor's own tax returns and pay taxes pursuant to applicable personal income tax laws;

(8) Authorize the minor's own preventive health care, medical care, dental care, mental health care, and substance abuse treatment without knowledge or liability of the minor's parents or guardian;

(9) Apply for a driver's license or other state licenses for which the minor may be eligible;

(10) Register for school;

(11) Marry;

(12) Apply to medical and other public assistance programs administered by the State or its political subdivisions;

(13) If the minor is a parent, make decisions and give authority in caring for the minor's child; and

(14) Execute a will and other estate planning documents, including trust documents, durable power of attorney, and an advance health care directive.

(d) A minor who has reached the age of sixteen years who seeks to be emancipated may file a petition for a declaration of emancipation with the family court in the circuit in which the minor resides. The petition shall be filed on behalf of the minor seeking emancipation by any state agency or an attorney of the minor, and a parent or guardian of a minor shall not, in their individual capacity or as a representative or agent of the minor, petition for emancipation of the minor.

(e) The petition for a declaration of emancipation shall be signed and verified by the petitioning minor, and shall include:

- (1) The minor's full name and birth date;
- (2) A certified copy of the minor's birth certificate, if available;
- (3) The name and last known address of the minor's parents or guardian;
- (4) The minor's present address and duration of the minor's residency at that address;
- (5) A declaration by the minor attesting that:
 - (A) The minor resides separately and apart from the minor's parents or guardian at the minor's own will;
 - (B) The minor is managing or has the ability to manage the minor's financial affairs, including supporting documentation of the minor's income and expenses;
 - (C) The minor is managing or has the ability to manage the minor's personal and social affairs, including supporting documentation on proof of housing; and
 - (D) The source of the minor's income is not derived from any activity in violation of any laws of the State or the United States; and
- (6) Any other information deemed necessary by the court.

The judiciary shall prepare and make available to the public forms that may be used for emancipation proceedings.

- (f) Upon receipt of the petition, the court shall:
 - (1) Set a date for hearing on the petition as soon as practicable;
 - (2) Issue a summons requiring the appearance of the minor's parents or guardian and any other person deemed necessary by the court unless the parents or guardian and the person deemed necessary by the court promise in writing to appear voluntarily; and
 - (3) Appoint a guardian ad litem to represent the interest of the minor throughout the pendency of the minor's emancipation proceedings.

Nothing in this subsection shall be construed to prevent the petitioning minor from obtaining the minor's own legal counsel to represent the minor in the emancipation proceeding.

(g) The fees and costs of a guardian ad litem appointed pursuant to subsection (f) may be paid for by the court, unless the minor or the minor's parents or guardian have sufficient funds.

(h) Proceedings for a petition for declaration of emancipation shall be heard by the court separately from hearings of adult cases and without a jury. The court shall grant the petition and issue a declaration of emancipation if it finds clear and convincing evidence that:

- (1) The minor is at least sixteen years of age;
- (2) The minor is a resident of the State;
- (3) The minor resides separately and apart from the minor's parents or guardian at the minor's own will, with or without the parents' or guardian's consent, and in absence of undue influence or coercion by a third party;
- (4) The minor is managing or has the ability to manage the minor's financial affairs;
- (5) The minor is managing or has the ability to manage the minors' personal and social affairs;
- (6) The source of the minor's income is not derived from any activity in violation of any laws of the State or the United States;
- (7) The minor understands the minor's rights and responsibilities as an emancipated minor in the State, and has been given the time and

opportunity to consider alternatives to emancipation, if any, before conclusion of the hearing:

- (8) The minor is not seeking emancipation under duress, including by coercion of a parent, guardian, or any other third party; and
- (9) Emancipation is in the best interest of the minor.

A declaration of emancipation issued by the court shall be conclusive evidence that the minor is emancipated and shall terminate the rights of the minor's parents to the custody, control, services, and earnings of the minor.

(i) A declaration of emancipation obtained by fraud or by the withholding of material information shall be voidable. A petition to void a declaration of emancipation on the ground that the declaration was obtained by fraud or by the withholding of material information may be filed by any person with the family court that issued the declaration of emancipation.

(j) A declaration of emancipation of a minor who has subsequently become indigent with no means of support shall be subject to rescission. A petition to rescind a declaration of emancipation on the ground that the minor has become indigent may be filed by:

- (1) The minor declared emancipated;
- (2) The minor's parents or former guardian; or
- (3) The corporation counsel or county attorney of the county in which the minor resides,

with a family court in the circuit in which the minor or the parents or former guardian resides.

(k) Upon filing of a petition to void or rescind a declaration of emancipation pursuant to subsection (i) or (j), the court shall:

- (1) Set a date for hearing on the petition as soon as practicable; and
- (2) Issue a summons requiring the appearance of the minor if the minor is not the petitioner, the minor's parents or former guardian, and any other person deemed necessary by the court unless the minor, the minor's parents or former guardian, and the person deemed necessary by the court promise in writing to appear voluntarily. Summons issued to the parents or former guardian of the minor shall be accompanied by a statement that they may be liable to provide support to the minor, including provision of medical insurance coverage, if the declaration of emancipation is voided or rescinded. Liability shall not accrue to a parent or guardian of a minor whose emancipation has been voided or rescinded until the parent or guardian has actual notice of the voidance or rescission.

(l) Proceedings for a petition to void or rescind a declaration of emancipation shall be heard by the court separately from hearings of adult cases and without a jury. The court shall grant the petition and issue an order:

- (1) Voiding the declaration of emancipation if the court finds clear and convincing evidence that the declaration was obtained by fraud or by the withholding of material information; or
- (2) Rescinding the declaration of emancipation if the court finds clear and convincing evidence that the rescission of the declaration of emancipation will be in the best interest of the minor.

The voiding or rescission of a declaration of emancipation shall not alter any contractual obligation or right or any property right or interest that arose during the period that the declaration was in effect.

(m) Service of summons issued pursuant to this section shall be made personally by the delivery of a copy thereof, together with a copy of the relevant petition, to the person summoned; provided that if a judge determines that personal service of the summons is impracticable, the judge may order service by certified or registered mail addressed to the last known address or by publica-

tion, or both. Service effected no less than forty-eight hours before the time fixed in the summons for the return thereof shall be sufficient to confer jurisdiction; provided that jurisdiction shall be conferred if any person who might be so summoned appears voluntarily at the time and place appointed and waives the service and the notice.

Service of summons, process, or any notice required by this section may be made by any suitable person under the direction of the court and upon request of the court shall be made by any police officer.

(n) Notwithstanding any other law to the contrary, and except as otherwise provided in this section, the court shall order reasonable fees for counsel, experts, and other costs of services required in relation to a petition for declaration of emancipation, including reasonable fees for service of process of the petition, summons, and notice of hearing, to be paid by the minor's parents or guardian, regardless of whether the fees were incurred by the minor or other parties or ordered by the court.

(o) The petitioner or any other person admitted as party to a petition hearing concerning emancipation of a minor pursuant to this section may file an appeal from the court's issuance of or denial of a declaration of emancipation, an order voiding a declaration of emancipation, or an order rescinding a declaration of emancipation pursuant to section 571-54.

(p) As used in this section:

"Emancipation" means termination of the rights of the parents of a minor to the custody, control, services, and earnings of a minor.

"Guardian" means a person appointed or qualified by a court as a guardian of an individual and includes a limited guardian, but excludes a person who is merely a guardian ad litem.

"Minor" means a person under the age of majority."

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 January 1, 2024.

(Approved June 14, 2023.)

ACT 80

H.B. NO. 350

A Bill for an Act Relating to Child Abuse Reporting.

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

SECTION 1. The legislature finds that exempting members of the clergy from mandatory reporting of suspected future child abuse or neglect creates a danger that extreme cases of abuse and neglect may never be reported to appropriate authorities if details of those cases were revealed only in the context of a penitential communication with clergy. The legislature recognizes both the importance of ensuring the confidentiality of penitential communications and the societal obligation to protect vulnerable minors and prevent further harm in cases of suspected future child abuse or neglect. The legislature believes that this Act's limited exception to the exemption from mandatory reporting by

members of the clergy strikes an appropriate balance between these two competing interests.

Accordingly, the purpose of this Act is to specify that the exemption from mandatory reporting by members of the clergy does not apply when the clergy member believes that there exists a substantial risk that child abuse or neglect that is especially heinous, atrocious, or cruel, manifesting exceptional depravity, may occur in the reasonably foreseeable future.

SECTION 2. Section 350-1.1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other state law concerning confidentiality to the contrary, the following persons who, in their professional or official capacity, have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future, shall immediately report the matter orally to the department or to the police department:

- (1) Any licensed or registered professional of the healing arts or any health-related occupation who examines, attends, treats, or provides other professional or specialized services, including but not limited to physicians, including physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals;
- (2) Employees or officers of any public or private school;
- (3) Employees or officers of any public or private agency or institution, or other individuals, providing social, medical, hospital, or mental health services, including financial assistance;
- (4) Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, department of public safety, correctional institutions, and parole or probation offices;
- (5) Individual providers of child care, or employees or officers of any licensed or registered child care facility, foster home, or similar institution;
- (6) Medical examiners or coroners;
- (7) Employees of any public or private agency providing recreational or sports activities;
- (8) Commercial film and photographic print or image processors;
- (9) Commercial computer technicians; and
- (10) Members of the clergy or custodians of records therefor; provided that a member of the clergy shall not be required to report information gained solely during a penitential communication~~[-]~~, except when the clergy member believes that there exists a substantial risk that child abuse or neglect that is especially heinous, atrocious, or cruel, manifesting exceptional depravity, may occur in the reasonably foreseeable future. When a clergy member receives reportable information from any ~~[other]~~ source~~[-]~~, other than a penitential communication, the clergy member shall comply with the reporting requirements of this section, regardless of whether the clergy member received the same information during a penitential communication. For purposes of this paragraph~~[-]~~, ~~“penitential”~~:

“Especially heinous, atrocious, or cruel, manifesting exceptional depravity” has the same meaning as in section 706-657.

“Penitential communication” means a communication, including a sacramental confession, that is intended to be kept

confidential and is made to a member of the clergy who, in the course of the discipline or practice of the applicable religious organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the applicable religious organization, has a duty to keep those communications secret.”

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 14, 2023.)

ACT 81

S.B. NO. 1267

A Bill for an Act Relating to Protective Orders.

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

SECTION 1. Section 586-2, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§586-2]]~~ **Court jurisdiction.** (a) An application for relief under this chapter may be filed in ~~[any]~~ the family court in the circuit in which ~~[the]~~:

- (1) The petitioner resides[-] or is temporarily located;
 - (2) The respondent resides;
 - (3) The subject of the petition, a petitioner’s family or household member who is a minor, an incapacitated person as defined in section 560:5-102 or physically unable to go to the appropriate place to complete or file the petition, resides or is temporarily located; or
 - (4) The domestic abuse occurred.
- (b) Actions under this chapter shall be given docket priorities by the court.”

SECTION 2. Section 604-10.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any person who has been subjected to harassment may petition the district court ~~[of the district in which the petitioner resides]~~ for a temporary restraining order and an injunction from further harassment~~[-]~~ in the district in which:

- (1) The petitioner resides or is temporarily located;
- (2) The respondent resides; or
- (3) The harassment occurred.”

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 14, 2023.)

A Bill for an Act Relating to Address Confidentiality.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,937,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. Section 801G-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“‘Department’ means the department of law enforcement.”

SECTION 3. Section 801G-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the address confidentiality program in the [~~office of the lieutenant governor~~] department to protect the confidentiality of the actual address of a victim of domestic abuse, a sexual offense, or stalking and to prevent the victim’s assailants or potential assailants from finding the victim through public records. The program shall:

- (1) Assign a substitute address to the program participant that shall be used by agencies;
- (2) Receive first-class, certified, or registered mail sent to a program participant at the substitute address and forward the mail to the program participant at no cost to the program participant; provided that the program shall not be required to track or maintain records of mail or to forward packages, bulk mail, or pre-sorted mail; provided further that the program shall maintain a log of certified or registered mail or service of legal process received on behalf of a program participant; and
- (3) Act as the agent of the program participant for purposes of service of all legal process in the State;²

provided that the department may enter into a contract with a third party to provide the services described in paragraphs (2) and (3) of this subsection.”

SECTION 4. Section 801G-7, Hawaii Revised Statutes, is amended to read as follows:

“§801G-7 Appeal. Within thirty days of the date of the notice of denial of an application or of certification cancellation, an applicant or program participant may submit a written appeal to the [~~office of the lieutenant governor~~] department; provided that:

- (1) The appeal shall not be treated as a contested case as defined in chapter 91;
- (2) The appeal process shall not include a hearing; and
- (3) The [~~office of the lieutenant governor's~~] department's final determination shall not be subject to judicial review.”

SECTION 5. Section 801G-13, Hawaii Revised Statutes, is amended to read as follows:

“**§801G-13 Rulemaking authority.** The [~~office of the lieutenant governor~~] department shall adopt rules pursuant to chapter 91 as necessary to carry out the purposes of this chapter.”

SECTION 6. All rules, policies, procedures, guidelines, and other material adopted or developed by the office of the lieutenant governor to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of law enforcement by this Act shall remain in full force and effect until amended or repealed by the department of law enforcement pursuant to chapter 91, Hawaii Revised Statutes.

In the interim, every reference to the office of the lieutenant governor in those rules, procedures, guidelines, and other material is amended to refer to the department of law enforcement or director of law enforcement, as appropriate.

SECTION 7. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of the lieutenant governor relating to the functions transferred to the department of law enforcement shall be transferred with the functions to which they relate.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$170,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for two full-time equivalent (2.0 FTE) positions, operating costs, and equipment to support the address confidentiality program pursuant to chapter 801G, Hawaii Revised Statutes.

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

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

SECTION 10. This Act shall take effect on January 1, 2024; provided that section 8 shall take effect on July 1, 2023.

(Approved June 14, 2023.)

Notes

1. Act 164.
2. Prior to amendment "." appeared here.

A Bill for an Act Relating to Human Trafficking.

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

SECTION 1. The legislature finds that children in the State are vulnerable to sex trafficking and commercial sexual exploitation. Foster children and runaways with histories of abuse and neglect are at particularly high risk. Other highly vulnerable groups include LGBTQ+ youth, immigrants, undocumented workers, and youth suffering from mental illnesses and substance abuse issues. Victims are often lured into sex trafficking through traffickers' use of emotional manipulation and control, force, fraud, or threats.

The legislature recognizes that, in the last decade, the commercial sexual exploitation of children has garnered greater attention in Hawaii and throughout the United States. The department of human services has received an increasing number of hotline calls involving witnesses or victims of child sex trafficking. However, because child sex trafficking is covert, it is difficult to accurately measure the scope of the problem, and exploited youth do not necessarily identify themselves as victims.

The legislature further finds that to adequately assist all persons who have been sexually exploited, a statewide human trafficking program is needed to develop and utilize comprehensive interagency case management strategies and protocols, combined with a multidisciplinary response. It is the intent of the legislature that the department of the attorney general will provide leadership in addressing the commercial sexual exploitation of children and the broader issue of human trafficking.

Accordingly, the purpose of this Act is to require the department of the attorney general to:

- (1) Address the needs of victims of human trafficking through the development and implementation of a statewide human trafficking prevention program; and
- (2) Report to the legislature on the State's efforts to address human trafficking and the commercial sexual exploitation of children.

SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . HUMAN TRAFFICKING PREVENTION PROGRAM

§28- Definitions. As used in this part:

“Child” means a person under eighteen years of age.

“Commercial sexual exploitation of children” means any sexual activity involving a child for the exchange or promise of anything of value by any person.

“Human trafficking” includes “severe forms of trafficking in persons”, as defined in title 22 United States Code section 7102(11), and “sex trafficking”, as defined in title 22 United States Code section 7102(12) and as described in section 712-1202.

§28- Human trafficking prevention program. (a) The department of the attorney general shall develop and implement a program to prevent, and assist victims of, human trafficking. The program shall:

- (1) Assess the current needs of the State's anti-trafficking response and develop:

- (A) A statewide strategy to prevent human trafficking; and
- (B) A plan to provide increased support and assistance to victims of human trafficking and victims of the commercial sexual exploitation of children;
- (2) Implement statewide strategies to address offender accountability for child enticement, commercial sexual exploitation, and human trafficking through law enforcement efforts, prosecutions, and crime prevention efforts;
- (3) Promote public awareness of:
 - (A) Human trafficking and the commercial sexual exploitation of children;
 - (B) The availability of services for victims of human trafficking; and
 - (C) The availability of national and state hotlines for victims and witnesses;
- (4) Produce and maintain informational materials, including a website, on:
 - (A) The prevention of human trafficking and the commercial sexual exploitation of children; and
 - (B) The availability of public resources for victims and witnesses;
- (5) Develop and provide comprehensive training on ways to prevent, identify, and address human trafficking and the commercial sexual exploitation of children; and
- (6) Apply for and monitor federal funding available for anti-trafficking efforts.
- (b) Each public official and state and county department shall render all necessary assistance and cooperation within the official's or department's jurisdictional power to share information and assist the program in carrying out its duties under this part."

SECTION 3. (a) The department of the attorney general shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2026 on the State's efforts to address the commercial sexual exploitation of children; and shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2027 on the State's efforts to address human trafficking.

- (b) Each report identified in subsection (a) shall include:
 - (1) Plans to assist state and county agencies in identifying and responding to victims;
 - (2) Best practices used in other states to identify and serve victims;
 - (3) A comprehensive evaluation of applicable programs and services currently offered by the State;
 - (4) Strategies for public outreach and education;
 - (5) An assessment of any barriers that inhibit government agencies, law enforcement agencies, service providers, and nongovernmental organizations in the State from supporting victims and holding offenders accountable;
 - (6) A review of criminal statutes in chapter 712, Hawaii Revised Statutes, on prostitution and sex trafficking;
 - (7) Plans for a training program for educators, community members, members of law enforcement agencies, and mandatory reporters of child abuse, including an outline of the training content and an assessment of whether training should be mandatory and in what intervals;
 - (8) Statewide assessment tools that may be used by first responders, medical professionals, and service providers to identify victims;

- (9) Plans for prevention strategies that mitigate the risk factors for victims and offenders;
- (10) Recommendations for enhancing statewide collaboration and coordination through multidisciplinary teams, committees, and task forces;
- (11) An analysis of the existing data regarding trafficking, which may include but shall not be limited to the following:
 - (A) Data specific to the commercial sexual exploitation of children, including:
 - (i) The number of reports to national and state hotlines alleging the sexual trafficking of a child;
 - (ii) The total number of children in the State suspected to be victims of sex trafficking, including demographic information and information on whether each child was previously served by the department of the attorney general or department of human services;
 - (iii) The total number of children in the State confirmed to be victims of sex trafficking, including demographic information and information on whether each child was previously served by the department of the attorney general or department of human services;
 - (iv) Data collected by state-contracted service providers, including the types and aggregate costs of services provided to children in the State who are suspected or confirmed victims of sex trafficking, number of children in the State receiving each type of service, and total number of new children and families in the State served through these service providers;
 - (v) The total number of reports made to the department of the attorney general via the National Center for Missing and Exploited Children CyberTipline, and the number of these reports that resulted in an arrest; and
 - (vi) The number of arrests, prosecutions, and convictions in the State, delineated by county and disaggregated by race, for crimes related to human trafficking, commercial sexual exploitation, or the commercial sexual exploitation of children;
 - (B) Data specific to sex and labor trafficking;
 - (C) The identification of any gaps in the State's ability to collect data; and
 - (D) Recommendations for improving data collection and data sharing among service providers, nongovernmental organizations, and government agencies, including law enforcement agencies; and
- (12) Any proposed legislation.
 - (c) The department of the attorney general may submit additional reports to the legislature providing data, status updates, and recommendations, as determined by the department.

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

(Approved June 14, 2023.)

ACT 84

H.B. NO. 580

A Bill for an Act Relating to Victim-Counselor Privilege.

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

SECTION 1. The legislature finds that Act 208, Session Laws of Hawaii 2016 (Act 208), required the University of Hawaii to designate at each campus a confidential advocate for victims seeking help for sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues. Act 208 also required the University of Hawaii to publicize on each campus website the names, phone numbers, and email addresses of confidential advocates. Since 2016, many victims have sought help from confidential advocates, which has allowed victims to gain the information and help that they need to continue succeeding in their educational, personal, and professional goals. One of the most important factors in providing assistance to victims has been confidentiality for victims who fear retaliation or further abuse and harassment.

The purpose of this Act is to expand the victim-counselor privilege under the Hawaii Rules of Evidence to include confidential advocates.

SECTION 2. Section 626-1, Hawaii Revised Statutes, is amended by amending rule 505.5, subsections (a) and (b), to read as follows:

“(a) Definitions. As used in this rule:

- (1) A communication is “confidential” if not intended to be disclosed to third persons other than those to whom disclosure would be in furtherance of the provision of counseling or treatment services to the victim or those reasonably necessary for the transmission of the communication.
- (2) “Domestic violence victims’ program” means any refuge, shelter, office, safe home, institution, or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal, or support counseling.
- (3) “Sexual assault crisis center” means any office, institution, or center offering assistance to victims of sexual assault and the families of such victims through crisis intervention, medical, legal, or support counseling.
- (4) “Social worker” means a person who has received a master’s degree in social work from a school of social work accredited by the Council on Social Work Education.
- (5) A “victim” is a person who consults a victim counselor for assistance in overcoming any adverse emotional or psychological effect of sexual assault, domestic violence, dating violence, stalking, sexual harassment, or child abuse.
- (6) A “victim counseling program” is any activity of a domestic violence victims’ program or a sexual assault crisis center that has, as its primary function, the counseling and treatment of sexual assault, domestic violence, or child abuse victims and their families, and that operates independently of any law enforcement agency, prosecutor’s office, or the department of human services.
- (7) A “victim counselor” is [~~either~~] a sexual assault counselor [~~or a~~], domestic violence victims’ counselor[~~;~~], or confidential advocate. A sexual assault counselor is a person who is employed by or is a volunteer in a sexual assault crisis center, has undergone a minimum of thirty-five hours of training and who is, or who reports to and is

under the direct control and supervision of, a social worker, nurse, psychiatrist, psychologist, or psychotherapist, and whose primary function is the rendering of advice, counseling, or assistance to victims of sexual assault. A domestic violence victims' counselor is a person who is employed by or is a volunteer in a domestic violence victims' program, has undergone a minimum of [twenty-five] thirty-five hours of training and who is, or who reports to and is under the direct control and supervision of, a direct service supervisor of a domestic violence victims' program, and whose primary function is the rendering of advice, counseling, or assistance to victims of abuse. A confidential advocate is a person who is designated by the University of Hawaii pursuant to section 304A-120 to confidentially discuss sexual assault, domestic violence, dating violence, stalking, sexual harassment, and related issues with victims, has undergone a minimum of thirty-five hours of training, and whose primary function is the rendering of advice, counseling, or assistance to victims.

(b) General rule of privilege. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to a victim counselor for the purpose of counseling or treatment of the victim for the emotional or psychological effects of sexual assault, domestic violence, dating violence, stalking, sexual harassment, or child abuse or neglect, and to refuse to provide evidence that would identify the name, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim.”

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 14, 2023.)

ACT 85

H.B. NO. 581

A Bill for an Act Relating to Child Custody.

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

SECTION 1. The legislature finds that the family court may appoint a child custody evaluator from a list of qualified individuals to investigate a child custody dispute. State law currently prefers that licensed psychologists, marriage and family therapists, psychiatrists, and social workers serve as evaluators, but authorizes individuals having qualifying education and training in child custody evaluations to serve as evaluators when psychologists, marriage and family therapists, psychiatrists, or social workers are not available. The law also authorizes other individuals, known as fact-finding investigators, to serve as child custody evaluators by stipulation of the parties and approval by the court. These evaluators are most often attorneys who practice family law. The legislature also

finds that child custody evaluators typically provide written reports to the court, and sometimes testify at hearings or trial.

The legislature believes that professionals who work before the family court and who have an impact on the safety and well-being of children and families need to understand the dynamics of domestic violence. When child custody evaluators do not have in-depth training and education on domestic violence, their recommendations to the courts regarding custody matters may be unduly affected and may not serve the best interests of children. The legislature recognizes that domestic violence is often not identified at the outset of a custody case and is often not the reason for an evaluation. Accordingly, knowledge about the dynamics of domestic violence, including its lethality, subtlety, and prevalence, is essential for child custody evaluators.

The purpose of this Act is to:

- (1) Require certain individuals attempting to serve as child custody evaluators to complete a training course on the dynamics of domestic violence every three years; and
- (2) Require the individuals to submit a letter or certificate of completion of the training course to the family court.

SECTION 2. Section 571-46.4, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§571-46.4~~ **Child custody evaluators; qualification; registry; complaints.** (a) ~~[A]~~ Subject to subsection (c), a person may be appointed as a child custody evaluator for purposes of section 571-46 if the person is actively licensed as a:

- (1) Marriage and family therapist under chapter 451J;
- ~~[(4)]~~ (2) Physician under chapter 453 and is a board certified psychiatrist or has completed a residency in psychiatry;
- ~~[(2)]~~ (3) Psychologist under chapter 465; or
- ~~[(3)]~~ Marriage and family therapist under chapter 451J; or
- (4) Clinical social worker under section 467E-7(3).

(b) A person may be appointed as a child custody evaluator in the absence of a license under subsection (a) if:

- (1) The individual has obtained education and training that meet nationally recognized competencies and standards of practice in child custody evaluation; provided that there are no child custody evaluators enumerated under subsection (a) who are willing and available, within a reasonable period of time, to perform child custody evaluations; or
- (2) The parties stipulate to a person who does not qualify as a child custody evaluator under subsection (a) and the court approves, subject to subsection (c), that person as a fact-finding investigator to the court.

(c) Beginning July 1, 2024, the following requirements shall apply to a person described in subsection (a) or (b)(2) who seeks to be appointed as, or who wishes to continue acting as, a child custody evaluator pursuant to this section:

- (1) The person shall complete a training course on the dynamics of domestic violence at least once every three years; provided that the training course shall include a minimum of five hours of training;
- (2) Following completion of the training course, the person shall submit a letter or certificate of completion to the family court and, upon request, shall provide copies thereof to all parties or the parties' attorneys;

- (3) If the person is included on the family court’s registry of child custody evaluators as of July 1, 2024, the person shall submit to the family court proof of completion of the training course on or before June 1, 2026; and
- (4) If the person is not on the family court’s registry of child custody evaluators as of July 1, 2024, the person shall submit proof of having completed the requisite training course when seeking to be appointed as a child custody evaluator.

[(e)] (d) The judiciary shall maintain on its website a publicly accessible registry of child custody evaluators who are qualified pursuant to this section. Professionals who are willing and available to perform child custody evaluations shall be responsible for providing the judiciary with relevant information, including contact information, evidence of qualifications, and fees.

[(d)] (e) The judiciary shall establish a referral process to allow parties to file a complaint with the judiciary regarding a court-appointed child custody evaluator. Upon notification by a party of the party’s intent to file a complaint against a child custody evaluator appointed under subsection (a), the judiciary may refer the complainant to the appropriate licensing authority. The judiciary shall submit to the legislature an annual report regarding the number of complaints against court-appointed child custody evaluators that are processed through the referral process.

[(e)] (f) A complaint against a court-appointed child custody evaluator not qualified under subsection (a) may be resolved through civil litigation.”

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 14, 2023.)

ACT 86

S.B. NO. 295

A Bill for an Act Relating to the Child Welfare Services.

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

SECTION 1. The legislature finds that criticism of Hawaii’s child welfare system has been increasing and is accentuated when there is a tragedy. Shortcomings in Hawaii’s child welfare system are not new, and there is strong desire in the community to address these concerns. Before the disappearance of six-year-old Isabella Kalua at her home in Waimanalo, the effects of the coronavirus disease 2019 pandemic were already having an outsized impact on Hawaii’s children and youth, further stressing the department of human services and its social services division’s child welfare services branch.

The legislature further finds that, although Native Hawaiian children and families are overrepresented in the State’s child welfare system, all children in the system have similar issues and needs. Historically, Native Hawaiian ancestors had a very well-structured child welfare system in which the people within the kauhale, or community, shared the responsibilities of caring for and nurturing its keiki. This kuleana, or responsibility and privilege, was collectively shared by everyone. The responsibility of ensuring the welfare of keiki was never meant to rest solely on the government and keiki were certainly not intended to be removed from their ohana without a shared decision about where the keiki would reside. The overall

well-being of the keiki was always at the center of any decision made concerning the keiki. Traditional practices of hanai and luhī (adoption or temporary care) were not seen as punitive or demeaning but as means to provide comfort and reassurance that the keiki would be in a safe, nurturing, and caring environment.

The legislature also finds that the members of Nā Kama a Hāloa, which is a network of community-based organizations and representatives of the child welfare services branch created by Effective Planning and Innovative Communication, Inc., a nonprofit Hawaii corporation operating as EPIC 'Ohana, Inc., first came together in 2018 to seek ways to address the overrepresentation of Native Hawaiians in Hawaii's child welfare system. Nā Kama a Hāloa demonstrates the value of collaborating for collective impact, and since its formation, the efforts of its working groups have resulted in various positive outcomes. For example, the cultural training programs that were developed for new child welfare services branch workers and resource caregivers are now required by the department of human services. Furthermore, the department now supports and encourages the practices of connecting children in the child welfare system with their siblings and reflecting the voices of the children's makua, or parents, in their care.

The legislature finds that the problems faced by children and families in the State's child welfare system are extremely complex and cannot be resolved by the department of human services alone. The legislature further finds that, to address and resolve these diverse and multi-faceted problems, the State must work with the community and various stakeholders to determine where the core infrastructure is failing.

The legislature also finds that Act 291, Session Laws of Hawaii 2022, established on a temporary basis the office of wellness and resilience within the office of the governor. The office was established to address 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, strength-based strategies; and to support agencies in their individual efforts to address trauma-informed care and move toward a collaborative, shared purpose of collective system reform.

The legislature finds that, by establishing a working group within the office of wellness and resilience that comprises members of the child welfare services branch, institutions serving Native Hawaiians, contracted service providers, community-based organizations, birth parents, and youth with lived experience in the State's child welfare system, outcomes can be improved not just for Native Hawaiian children and families but for all children and families in the State's child welfare system. The legislature also believes that the working group will contribute to the development of more effective community support while allowing the community to be heard and to take more responsibility for the well-being and welfare of children.

Accordingly, the purpose of this Act is to improve the State's child welfare system by:

- (1) Establishing within the office of wellness and resilience the malama ohana working group to seek, design, and recommend transformative changes to the State's existing child welfare system;
- (2) Authorizing the office of wellness and resilience to contract with an administrative facilitator to provide necessary support for the malama ohana working group in carrying out its duties; and
- (3) Requiring the malama ohana working group to report to the legislature prior to the regular session of 2025.

SECTION 2. (a) There is established within the office of wellness and resilience for administrative purposes the malama ohana working group to seek,

design, and recommend transformative changes to the State’s existing child welfare system.

(b) The malama ohana working group shall comprise the following members:

- (1) The executive director of Effective Planning and Innovative Communication, Inc., operating as EPIC ‘Ohana, Inc., or the executive director’s designee, who shall be invited to participate and to serve as co-chair of the working group;
- (2) The chief executive officer of Hale Kipa, Inc., or the chief executive officer’s designee, who shall be invited to participate and to serve as co-chair of the working group;
- (3) Two members from each of the following constituencies, whom the co-chairs shall invite to participate in the working group:
 - (A) Former foster youth;
 - (B) Birth parents who were involved in the child welfare system, specifically with the department of human services’ child welfare services branch;
 - (C) Licensed resource caregivers; and
 - (D) Kinship resource caregivers;
- (4) The director of human services, or the director’s designee;
- (5) Two members of the department of human services’ child welfare services branch representing its investigators, case managers, or assistants, designated by the branch administrator;
- (6) The chairperson of the trauma-informed care task force established pursuant to Act 209, Session Laws of Hawaii 2021, or the chairperson’s designee;
- (7) The chief executive officer of the office of Hawaiian affairs, or the chief executive officer’s designee;
- (8) The chief executive officer of Kamehameha Schools, or the chief executive officer’s designee; and
- (9) The chief executive officer of Lili’uokalani Trust, or the chief executive officer’s designee.

(c) The malama ohana working group shall develop recommendations to establish a child welfare system that is trauma-informed, sustains a community-based partnership, and responds to the needs of children and families in the system and the community. In fulfilling its purpose, the working group shall:

- (1) Conduct informational meetings throughout the State with affected constituencies;
- (2) Convene meetings to develop recommendations to better coordinate and improve the protection and well-being of children and families in the State’s child welfare system;
- (3) Identify training, best practices, assessment criteria, and methods to sustain an effective workforce within the child welfare services branch and within the larger circle of community agencies serving the child welfare system;
- (4) Identify best practices, including Native Hawaiian cultural practices, to assist children and youth who are involved in the child welfare system and their families;
- (5) Identify other cultural practices that build wellness and resilience in communities and collaboration between communities and the child welfare services branch; and
- (6) Collaborate with the trauma-informed care task force, and, where appropriate, conduct joint informational meetings.

(d) Members of the malama ohana working group shall serve without compensation but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses.

(e) The office of wellness and resilience may contract with an administrative facilitator to provide necessary support for the malama ohana working group in carrying out its duties, including preparation of the report required pursuant to subsection (f).

(f) The malama ohana 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 2025.

(g) The malama ohana working group shall be dissolved upon adjournment sine die of the regular session of 2025.

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

(Approved June 14, 2023.)

ACT 87

S.B. NO. 894

A Bill for an Act Relating to the Office of Wellness and Resilience.

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

PART I

SECTION 1. Act 209, Session Laws of Hawaii 2021, is amended by amending section 2 to read as follows:

“SECTION 2. (a) There is established within the department of health for administrative purposes a trauma-informed care task force. The task force shall consist of the following members:

- (1) The director of health, or the director’s designee, who shall serve as the chairperson of the task force;
- (2) The director of human services, or the director’s designee;
- (3) The superintendent of education, or the superintendent’s designee;
- (4) The director of ~~[public safety,]~~ corrections and rehabilitation, or the director’s designee;
- (5) The director of the executive office on early learning, or the director’s designee;
- (6) A member of the judiciary, to be appointed by the chief justice of the supreme court;
- (7) A faculty member from the university of Hawaii John A. Burns school of medicine, to be appointed by the dean of the university of Hawaii John A. Burns school of medicine;
- (8) The chief executive officer of Kamehameha Schools, or the chief executive officer’s designee, who shall be invited by the chairperson;
- (9) A member of the law enforcement community, who shall be invited by the chairperson;
- (10) A member of the non-profit sector, who shall be invited by the chairperson; and
- (11) A community member or non-profit representative from the Compact of Free Association islander community, who shall be invited by the chairperson.

(b) The task force shall develop and make recommendations for trauma-informed care in the State. Specifically, the task force shall:

- (1) Create, develop, and adopt a statewide framework for trauma-informed and responsive practice. The framework shall include:
 - (A) A clear definition of “trauma-informed and responsive practice”;
 - (B) Principles of trauma-informed and responsive care that may apply to any school, health care provider, law enforcement agency, community organization, state agency, or other entity that has contact with children or youth;
 - (C) Clear examples of how individuals and institutions may implement trauma-informed and responsive practices across different domains, including organizational leadership, workforce development, policy and decision-making, and evaluation;
 - (D) Strategies for preventing and addressing secondary traumatic stress for all professionals and providers working with children and youth and their families who have experienced trauma;
 - (E) Recommendations to implement trauma-informed care professional development and strategy requirements in county and state contracts; and
 - (F) An implementation and sustainability plan, consisting of an evaluation plan with suggested metrics for assessing ongoing progress of the framework;
- (2) Identify best practices, including those from native Hawaiian cultural practices, with respect to children and youth who have experienced or are at risk of experiencing trauma, and their families;
- (3) Provide a trauma-informed care inventory and assessment of public and private agencies and departments;
- (4) Identify various cultural practices that build wellness and resilience in communities;
- (5) Convene trauma-informed care practitioners so that they may share research and strategies in helping communities build wellness and resilience;
- (6) Seek ways in which federal funding may be used to better coordinate and improve the response to families impacted by coronavirus disease 2019, substance use disorders, domestic violence, poverty, and other forms of trauma, including making recommendations for a government position to interface with federal agencies to seek and leverage federal funding with county and state agencies and philanthropical organizations; ~~and~~
- (7) Coordinate data collection and funding streams to support the efforts of the ~~[interagency]~~ task force~~[-]; and~~
- (8) Serve as an advisory board to the office of wellness and resilience.
- (c) The task force 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]~~ sessions of 2024~~[-]~~ and 2025.
- (d) The task force shall cease to exist on ~~[July 1, 2024.]~~ June 30, 2025.”

PART II

SECTION 2. Chapter 346, 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

§346-A Definitions. As used in this part, unless the context otherwise requires:

“Board” means the wellness and resilience advisory board.

“Office” means the office of wellness and resilience.

§346-B Office of wellness and resilience; established. (a) There is established within the department for administrative purposes only, the office of wellness and resilience.

(b) The office shall be headed by an executive director, who shall be appointed by the director without regard to chapter 76, and who shall serve at the pleasure of the director.

(c) The executive director may 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 heads may assign additional employees from existing positions within those departments 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.

§346-C Functions. The office shall:

- (1) Address issues identified and implement solutions recommended by the board 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.

§346-D 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.

§346-E Wellness and resilience advisory board; establishment; members;

roles. (a) There is established within the department for administrative purposes only, a wellness and resilience advisory board to advise the office in implementing this part. The board shall consist of the following members:

- (1) The director of health, or the director's designee, who shall serve as the chairperson of the advisory board;
- (2) The director of human services, or the director's designee;
- (3) The superintendent of education, or the superintendent's designee;
- (4) The director of corrections and rehabilitation, or the director's designee;
- (5) The director of the executive office on early learning, or the director's designee;
- (6) A member of the judiciary, to be appointed by the chief justice of the supreme court; and
- (7) A faculty member from the University of Hawaii John A. Burns school of medicine, to be appointed by the dean of the University of Hawaii John A. Burns school of medicine.

(b) The chairperson shall also invite the following persons to serve as members of the board:

- (1) The chief executive officer of Kamehameha Schools, or the chief executive officer's designee;
- (2) A member of the law enforcement community;
- (3) A member of the non-profit sector; and
- (4) A community member or non-profit representative from the Compact of Free Association islander community.

(c) The wellness and resiliency advisory board shall advise on wellness and resilience through trauma-informed care in the State. Specifically, the advisory board shall:

- (1) Create, develop, and adopt a statewide framework for trauma-informed and responsive practice. The framework shall include:
 - (A) A clear definition of "trauma-informed and responsive practice";
 - (B) Principles of trauma-informed and responsive care that may apply to any school, health care provider, law enforcement agency, community organization, state agency, or other entity that has contact with children or youth;
 - (C) Clear examples of how individuals and institutions may implement trauma-informed and responsive practices across different domains, including organizational leadership, workforce development, policy and decision-making, and evaluation;
 - (D) Strategies for preventing and addressing secondary traumatic stress for all professionals and providers working with children and youth and their families who have experienced trauma;
 - (E) Recommendations to implement trauma-informed care professional development and strategy requirements in county and state contracts; and

- (F) An implementation and sustainability plan, consisting of an evaluation plan with suggested metrics for assessing ongoing progress of the framework;
- (2) Identify best practices, including those from Native Hawaiian cultural practices, with respect to children and youth who have experienced or are at risk of experiencing trauma, and their families;
 - (3) Provide a trauma-informed care inventory and assessment of public and private agencies and departments;
 - (4) Identify various cultural practices that build wellness and resilience in communities;
 - (5) Convene trauma-informed care practitioners so that they may share research and strategies in helping communities build wellness and resilience;
 - (6) Seek ways in which federal funding may be used to better coordinate and improve the response to families impacted by coronavirus disease 2019 (COVID-19), substance use disorders, domestic violence, poverty, and other forms of trauma; and make recommendations, as necessary, for a government position to communicate with federal agencies to seek and leverage federal funding with county and state agencies and philanthropical organizations; and
 - (7) Coordinate data collection and funding streams to support the efforts of the board.
- (d) The nongovernmental members of the wellness and resiliency advisory board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.”

SECTION 3. All rights, powers, functions, and duties of the office of the governor relating to the office of wellness and resilience are transferred to the department of human services.

All employees who occupy civil service positions and whose functions are transferred to the department of human services 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 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 executive director of the office of wellness and resilience may prescribe the duties and qualifications of these employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

ACT 88

SECTION 4. All rules, policies, procedures, guidelines, and other material adopted or developed by the office of the governor to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of human services by this Act shall remain in full force and effect until amended or repealed by the department of human services pursuant to chapter 91, Hawaii Revised Statutes. In the interim, every reference to the office of the governor or governor in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of human services or director of human services, as appropriate.

SECTION 5. All deeds, leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the office of the governor pursuant to the provisions of the Hawaii Revised Statutes, which are reenacted or made applicable to the department of human services by this Act, shall remain in full force and effect. Upon the effective date of this section, every reference to the office of the governor or governor therein shall be construed as a reference to the department of human services or director of human services, as appropriate.

SECTION 6. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of the governor relating to the functions of the office of wellness and resilience transferred to the department of human services shall be transferred with the functions to which they relate.

SECTION 7. Chapter 27, part IX, Hawaii Revised Statutes, is repealed.

PART III

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, 2024; provided that:

- (1) Sections 2 through 6 of this Act shall take effect on July 1, 2025; and
- (2) Section 7 of this Act shall take effect on June 30, 2025.

(Approved June 14, 2023.)

ACT 88

H.B. NO. 777

A Bill for an Act Relating to Background Checks.

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

SECTION 1. The legislature finds that the department of human services assists vulnerable persons, including minors, young adults, and vulnerable adults. It is therefore necessary for the department of human services to exercise caution when employing or retaining workers, including volunteers, contractors, and others, whose positions place them in close proximity with persons who may be at risk.

The purpose of this Act is to:

- (1) Help ensure the safety of vulnerable persons by authorizing the department of human services to conduct comprehensive background

checks on current or prospective employees, volunteers, contractors, contractors' employees and volunteers, subcontractors, and subcontractors' employees and volunteers, whose position places or would place them in close proximity to certain minors, young adults, or vulnerable adults; and

- (2) Clarify that any state law permitting a more extensive inquiry into an individual's criminal history by the State and any of its branches, political subdivisions, agencies, or semi-autonomous public bodies corporate and politic will prevail over conflicting conviction record inquiries under the State's employment practices law.

SECTION 2. Section 323F-5.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Any inquiry into or consideration of the criminal history record of an employee or prospective employee of the corporation shall be limited to that which is ~~[allowed under section 378-2.5 or]~~ required under federal law.”

SECTION 3. Section 346-2.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§346-2.5]—Criminal history record~~ **Background checks.** (a) The department shall develop procedures for obtaining verifiable information regarding the criminal history of any person who is employed or seeking employment, including a contractor and its employees or ~~[agents]~~ subcontractor and its employees if prior authority to access federal tax information has been provided by the United States Department of the Treasury, if the person will require access to federal tax information. The procedures shall include criminal history record checks in accordance with section 846-2.7. Information obtained pursuant to this subsection shall be used exclusively by the department for the purpose of determining whether a person is suitable for accessing federal tax information in accordance with applicable federal laws.

(b) The department may terminate or deny employment to any current or prospective employee ~~[or applicant,]~~ or terminate or refuse to secure the services of a contractor and its employees or ~~[agents]~~ subcontractor and its employees authorized under subsection (a), if the department finds by reason of the nature and circumstances of the background investigation conducted under subsection (a) that the current or prospective employee, [applicant,] contractor, ~~[or]~~ contractor's employees ~~[or agents],~~ subcontractor, or subcontractor's employees pose a risk to the security of federal tax information. Termination or denial of employment or refusal to secure services under this subsection shall only occur after appropriate notification to the current or prospective employee, [applicant, ~~or]~~ contractor, or subcontractor of the findings of the background investigation, and after the current or prospective employee, [applicant, or] contractor, or subcontractor is given an opportunity to respond to the findings. Nothing in this subsection shall abrogate any applicable appeal rights under chapters 76 and 89, or administrative rules of the department.

(c) The department shall develop procedures for obtaining verifiable information regarding the criminal history, and information confirming the reputable and responsible character, of any current or prospective employee, volunteer, contractor, contractor's employee or volunteer, subcontractor, or subcontractor's employee or volunteer, whose position places or would place them in close proximity to minors, young adults, or vulnerable adults who are receiving from the department:

- (1) Child welfare services;
- (2) Social services;

- (3) Services intended to prevent abuse or neglect; or
- (4) Services intended to assist youth aging out of foster care with obtaining and maintaining independent living skills.
- (d) Any current or prospective employee, volunteer, contractor, contractor's employee or volunteer, subcontractor, or subcontractor's employee or volunteer, whose position places or would place them in close proximity to minors, young adults, or vulnerable adults as described in subsection (c) shall:
 - (1) Be fingerprinted for purposes of a criminal history record check;
 - (2) Submit to a criminal history record check in accordance with section 846-2.7;
 - (3) Consent to the department obtaining other criminal history records for verification; and
 - (4) Consent to the department conducting searches of the state adult protective services central registry of reported cases established in section 346-224 and child abuse and neglect registry;

provided that a new department employee or volunteer shall be fingerprinted before beginning employment or volunteer work; provided further that the information obtained pursuant to this subsection and subsection (e) shall be used exclusively by the department to determine whether it is appropriate for the person to work in close proximity to minors, young adults, or vulnerable adults.

(e) The department may periodically obtain criminal history information on all persons who are subject to this section through the Hawaii criminal justice data center.

(f) The department may terminate or deny employment to a current or prospective employee or volunteer, or terminate or refuse to secure the services of a contractor or the contractor's employees or volunteers, or a subcontractor or the subcontractor's employees or volunteers, if the department finds, based on the results of the background investigation conducted pursuant to subsections (d) and (e), that the current or prospective employee, volunteer, contractor, contractor's employee or volunteer, subcontractor, or subcontractor's employee or volunteer may pose a risk to the health, safety, security, or well-being of minors, young adults, or vulnerable adults as described in subsection (c). Termination or denial of employment or termination or refusal to secure services under this subsection shall occur only after the department notifies the current or prospective employee, contractor, or subcontractor of the findings of the background investigation, and after the current or prospective employee, contractor, or subcontractor is given an opportunity to respond to the findings. Nothing in this subsection shall abrogate any applicable rights to appeal under chapters 76 and 89 or the administrative rules of the department.

[(e)] (g) The department shall be exempt from section 831-3.1 and need not conduct investigations, notifications, or hearings under this section in accordance with chapter 91.

(h) For purposes of this section:

"Vulnerable adult" has the same meaning as defined in section 346-222.

"Young adult" means a person between the ages of eighteen and twenty-one or a person authorized by the Foster Care Independence Act of 1999, P.L. 106-169, or other applicable law, regardless of age, to receive benefits and services aimed at assisting youth aging out of foster care in the United States in obtaining and maintaining independent living skills."

SECTION 4. 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; provided that any state law permitting the State and any of its branches, political subdivisions, agencies, or semi-autonomous public bodies corporate and politic to conduct more extensive inquiries into an individual's criminal history for employment purposes than those permitted under this section shall prevail.
- (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 346-2.5, 346-97, and 352-5.5;
- (14) The public library system pursuant to section 302A-601.5;
- (15) The department of public safety 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.”

SECTION 5. 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] resource family 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 on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess 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 [~~servicing clients of the adult protective and community services branch.~~] and volunteers, as provided by [~~section~~] sections 346-2.5 and 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, and on current or prospective employees, volunteers, contractors, or contractors' employees or volunteers, subcontractors, or subcontractors' employees or volunteers, whose position places or would place them in close proximity to minors, young adults, or vulnerable adults, 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;

ACT 89

- [(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 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; provided that the amendments made to sections 378-2.5 and 846-2.7, Hawaii Revised Statutes, by sections 4 and 5 of this Act, respectively, shall not be repealed when those sections are amended on January 1, 2024, pursuant to section 62 of Act 278, Session Laws of Hawaii 2022.

(Approved June 14, 2023.)

ACT 89

H.B. NO. 948

A Bill for an Act Relating to Child and Adolescent Mental Health.

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

SECTION 1. The legislature finds that there is a need to improve mental health crisis intervention for at-risk youths in the community by expanding existing crisis response services to provide trauma-informed engagement within the system and individual training in trauma-informed care. These expanded services may reduce the risk of harm to youths; promote safety for youths in home, school, and community settings; reduce the use of emergency facilities, acute psychiatric hospitals, and other out-of-home placements for youths; increase supports available to youths and families to maintain placement and improve quality of life; and provide trauma-informed care and ongoing support to youths and families in the community.

The purpose of this Act is to establish, and appropriate funds for, a child and adolescent crisis mobile outreach team pilot program to provide additional support and expansion of services for existing crisis response services, with one crisis mobile outreach team to be located on Oahu and one crisis mobile outreach team to be located at a site on a neighbor island, as determined by the department of health.

SECTION 2. (a) There is established a child and adolescent crisis mobile outreach team pilot program within the child and adolescent mental health division of the department of health to expand and support existing crisis response services and programs for at-risk youths. One crisis mobile outreach team shall be located on Oahu, and one crisis mobile outreach team shall be located at a site on a neighbor island. The department of health shall determine the most appropriate site on a neighbor island for the crisis mobile outreach team. The pilot program shall begin on January 1, 2024.

(b) The child and adolescent crisis mobile outreach team pilot program shall provide, to the extent practicable with available resources, the following services to children and adolescents:

- (1) Crisis prevention with community collaboration and community program development;
- (2) Face-to-face intervention within one hour of a request for intervention;

- (3) Crisis de-escalation and assessment; and
- (4) Stabilization for not more than eight weeks, including:
 - (A) Connecting youths to community supports and services;
 - (B) In-home clinical support for youths and families;
 - (C) Connection with higher level support if determined necessary by the crisis mobile outreach team; and
 - (D) Collaboration with community partners and other state agencies.
- (c) The child and adolescent mental health division of the department of health shall submit a report to the legislature, no later than twenty days prior to the convening of the regular session of 2025, with findings and recommendations arising from the child and adolescent crisis mobile outreach team pilot program, including any proposed legislation and a recommendation as to whether the pilot program should be extended.
- (d) The child and adolescent crisis mobile outreach team pilot program shall end on December 31, 2025.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,500,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to establish a crisis mobile outreach team pilot program to expand existing crisis response services and for the hiring and training of mental health professionals with trauma-informed training and experience working with youth; provided that the sums appropriated shall be allocated as follows:

- (1) \$1,750,000 for one crisis mobile outreach team to be located on Oahu; and
- (2) \$1,750,000 for one crisis mobile outreach team to be located at a site on a neighbor island; provided further that the site shall be determined by the department of health.

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

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$3,500,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,067,267,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved June 14, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Affordable Housing on Hawaiian Home Lands.

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

SECTION 1. The legislature finds that affordable housing credits have been utilized by the department of Hawaiian home lands to provide affordable housing opportunities for its beneficiaries at no cost to the State. This program allowed for the purchase of additional land in a location that beneficiaries were interested in but where the department had no land in the area, and resulted in a reduction in the price of housing units offered by homebuilders on Hawaiians home lands.

The purpose of this Act is to extend the sunset dates for the issuance of county affordable housing credits to the department of Hawaiian home lands pursuant to Act 141, Session Laws of Hawaii 2009, as amended, and Act 98, Session Laws of Hawaii 2012, as amended, to July 1, 2030.

SECTION 2. Act 141, Session Laws of Hawaii 2009, as amended by section 3 of Act 102, Session Laws of Hawaii 2015, as amended by section 1 of Act 80, Session Laws of Hawaii 2019, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect on July 1, 2009; provided that on July 1, [2024,] 2030, this Act shall be repealed and section 46-15.1, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the approval of this Act.”

SECTION 3. Act 98, Session Laws of Hawaii 2012, as amended by section 4 of Act 102, Session Laws of Hawaii 2015, as amended by section 50 of Act 55, Session Laws of Hawaii 2016, as amended by section 2 of Act 80, Session Laws of Hawaii 2019, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall take effect upon its approval, and shall be repealed on July 1, [2024,] 2030; provided that section 46-15.1, Hawaii Revised Statutes, shall be reenacted pursuant to section 3 of Act 141, Session Laws of Hawaii 2009, and section 23 of Act 96, Session Laws of Hawaii 2014.”

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 21, 2023.)

A Bill for an Act Relating to the Hawaii Housing Finance and Development Corporation.

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

SECTION 1. Chapter 201H, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“§201H- Applications for financing; application periods. If sufficient funding is available, the corporation shall open at minimum two application periods each year for the receipt of applications for financing from parties interested in applying for financing for the development of affordable housing in the State from the low-income housing tax credit program, Hula Mae multi-family program, rental housing revolving fund program, and dwelling unit revolving fund program. Applications for the four programs may be consolidated for administrative efficiency.”

SECTION 2. New statutory material is underscored.¹

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

(Approved June 21, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 92

H.B. NO. 677

A Bill for an Act Relating to the Dwelling Unit Revolving Fund.

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

SECTION 1. Section 201H-47, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The following restrictions shall apply to the transfer of real property developed and sold under this chapter, whether in fee simple or leasehold:

- (1) For a period of ten years after the purchase, whether by lease, assignment of lease, deed, or agreement of sale, if the purchaser wishes to transfer title to the real property, the corporation shall have the first option to purchase the real property at a price that shall not exceed the sum of:
 - (A) The original cost to the purchaser, as defined in rules adopted by the corporation;
 - (B) The cost of any improvements added by the purchaser, as defined in rules adopted by the corporation;
 - (C) Simple interest on the original cost and capital improvements to the purchaser at the rate of one per cent per year; and
 - (D) The amount, if any, previously paid by the purchaser to the corporation as the corporation’s share of net appreciation in the real property;
- (2) The corporation may purchase the real property either:
 - (A) By conveyance free and clear of all mortgages and liens; or
 - (B) By conveyance subject to existing mortgages and liens.

If the real property is conveyed in the manner provided in subparagraph (A), it shall be conveyed to the corporation only after all mortgages and liens are released. If the real property is conveyed in the manner provided in subparagraph (B), the corporation shall acquire the real property subject to any first mortgage created for the purpose of securing the payment of a loan of funds expended solely for the purchase of the real property by the seller; and any

mortgage or lien created for any other purpose; provided that the corporation has previously consented to it in writing.

The corporation's interest created by this section shall constitute a statutory lien on the real property and shall be superior to any other mortgage or lien, except for any first mortgage created for the purpose of securing the payment of a loan of funds expended solely for the purchase of the real property by the seller; any mortgage insured or held by a federal housing agency; and any mortgage or lien created for any other purpose; provided that the corporation has previously consented to it in writing. The amount paid by the corporation to the seller shall be the difference, if any, between the purchase price determined by paragraph (1)(A) to (D), and the total of the outstanding principal balances of the mortgages and liens assumed by the corporation;

- (3) A purchaser may refinance real property developed and sold under this chapter; provided that the purchaser shall not refinance the real property within ten years from the date of purchase for an amount in excess of the purchase price as determined by paragraph (1)(A) to (C); provided further that the purchaser shall obtain the corporation's written consent if any restriction on the transfer of the real property remains applicable;
- (4) After the end of the tenth year from the date of initial purchase or execution of an agreement of sale, the purchaser may sell the real property and sell or assign the property free from any price restrictions; provided that the purchaser shall be required to pay to the corporation the sum of:
 - (A) The balance of any mortgage note, agreement of sale, or other amount owing to the corporation;
 - (B) Any subsidy or deferred sales price made by the corporation in the acquisition, development, construction, and sale of the real property, and any other amount expended by the corporation not counted as costs under section 201H-45 but charged to the real property by good accounting practice as determined by the corporation whose books shall be prima facie evidence of the correctness of the costs;
 - (C) Interest on the subsidy or deferred sales price, if applicable, and any other amount expended at ~~the~~ a rate ~~of seven per cent per year~~ established by the corporation computed as to the subsidy or deferred sales price, if applicable, from the date of purchase or execution of the agreement of sale, and as to any amount expended, from the date of expenditure; provided that the computed interest shall not extend beyond thirty years from the date of purchase or execution of the agreement of sale of the real property. If any proposed sale or transfer will not generate an amount sufficient to pay the corporation the sum as computed under this paragraph, the corporation shall have the first option to purchase the real property at a price that shall not exceed the sum as computed under paragraphs (1) and (2); and
 - (D) The corporation's share of appreciation in the real property as determined under rules adopted pursuant to chapter 91, when applicable;
- (5) Notwithstanding any provision in this section to the contrary, pursuant to rules adopted by the corporation, the subsidy or deferred

sales price described in paragraph (4)(B) and any interest accrued pursuant to paragraph (4)(C) may be paid, in part or in full, at any time; and

- (6) Notwithstanding any provision in this section to the contrary, the corporation's share of appreciation in the real property described in paragraph (4)(D):
 - (A) Shall apply when the sales price of the real property that is developed and sold under this chapter is less than the then-current, unencumbered, fair market value of the real property, as determined by a real property appraisal obtained prior to the closing of the sale;
 - (B) Shall be a restriction that runs with the land until it is paid in full and released by the corporation, or extinguished pursuant to subsection (f); and
 - (C) May be paid, in part or in full, at any time after recordation of the sale."

SECTION 2. (a) The Hawaii housing finance and development corporation may establish a five-year dwelling unit revolving fund equity pilot program, which shall be funded by the dwelling unit revolving fund, to address the high, unmet demand of for-sale units by Hawaii residents, specifically residents who:

- (1) Own no other real property;
- (2) Receive no gift funds; and
- (3) Work in a profession that is facing a shortage as defined by the corporation, including health care workers, educators, law enforcement officers, including staff at correctional facilities, or agricultural field workers.

(b) The Hawaii housing finance and development corporation may purchase equity in for-sale housing development projects; provided that this equity shall be allocated to specific units within the housing development projects and the price to be paid by each eligible buyer of a unit shall be reduced by the Hawaii housing finance and development corporation's equity amount for that unit.

(c) If a buyer sells the buyer's unit within thirty years of the date of the buyer's purchase of the unit, then at the time of the sale, the buyer shall repay to the Hawaii housing finance and development corporation the corporation's appreciated equity value; provided that if the buyer does not sell the unit within thirty years of the date of the buyer's purchase of the unit, then the buyer shall repay to the Hawaii housing finance and development corporation the corporation's appreciated equity value prior to the expiration of the thirty-year period; provided further that this requirement shall run with the deed for each unit until the obligation to repay the appreciated equity value has been satisfied.

(d) The Hawaii housing finance and development corporation may establish rules pursuant to chapter 91, Hawaii Revised Statutes, to implement this section, including rules that establish the methods by which appreciated equity values shall be calculated, assessed, and satisfied.

(e) The Hawaii housing finance and development corporation may establish criteria for the prioritization of eligible buyers based on state goals and policies and submit a report on this criteria to the legislature no later than twenty days prior to the convening of the regular session of 2024.

(f) The Hawaii housing finance and development corporation shall submit interim reports on the dwelling unit revolving fund equity pilot program to the legislature no later than twenty days prior to the convening of the regular sessions of 2024, 2025, 2026, and 2027. The Hawaii housing finance and development corporation shall submit a final report on the dwelling unit revolving

ACT 93

fund equity pilot program to the legislature no later than twenty days prior to the convening of the regular session of 2028.

(g) As used in this section:

“Housing development project” means a plan, design, or undertaking by the Hawaii housing finance and development corporation or an eligible developer for the development of units. “Housing development project” includes all real and personal property, buildings and improvements, commercial space, lands for farming and gardening, community facilities acquired or constructed or to be acquired or constructed, and all tangible or intangible assets held or used in connection with the housing development project.

“Unit” means:

- (1) The structure and land upon which the structure is constructed, whether on fee simple or leasehold property, developed for residential purposes pursuant to chapter 201H, Hawaii Revised Statutes; or
- (2) Improved or unimproved real property that is developed for residential purposes pursuant to chapter 201H, Hawaii Revised Statutes.

“Unit” includes dwelling units.

SECTION 3. The Hawaii housing finance and development corporation may spend up to \$10,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 from the dwelling unit revolving fund for the equity pilot program established pursuant to 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, 2023, and shall be repealed on June 30, 2028; provided that:

- (1) Section 201H-47, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act; and
- (2) The requirements imposed pursuant to section 2(c) of this Act shall remain in effect and run with the deed after June 30, 2028.

(Approved June 21, 2023.)

ACT 93

H.B. NO. 992

A Bill for an Act Relating to the Affordable Homeownership Revolving Fund.

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

SECTION 1. The purpose of this Act is to clarify that the \$5,000,000 in general funds that were appropriated in Act 248, Session Laws of Hawaii 2022, 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, is to be deposited into the affordable homeownership revolving fund for the purpose for which the revolving fund was established. This Act will ensure that loan repayments will be made to the affordable homeownership revolving fund rather than the general fund.

SECTION 2. Act 88, Session Laws of Hawaii 2021, as amended by Act 248, Session Laws of Hawaii 2022, is amended by amending section 6.4 to read as follows:

“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 deposited into the affordable homeownership revolving fund established pursuant to section 201H-206, Hawaii Revised Statutes, and 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;] purposes for which the revolving fund is established; 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.”

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 21, 2023.)

ACT 94

H.B. NO. 1366

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 many homeless individuals thrive when they have ready access to familiar support groups and loving family members. Many homeless individuals from the continental United States are currently stranded in the State, lacking independent financial resources to return to their home states.

The legislature further finds that homelessness continues to be one of the State’s most significant and challenging social problems. Hawaii has limited resources for human services, and homeless individuals may find their families or home states better equipped to provide support.

The legislature additionally finds that between 2014 and 2019, the Hawai’i Lodging & Tourism Association helped to coordinate repatriation programs for homeless individuals across the State. Over that five year period, these programs assisted the return of seven hundred forty-four homeless individuals to their home states, with only sixteen individuals, or less than two per cent of program participants, returning to Hawaii.

The purpose of this Act is to require the department of human services to establish and appropriate funds for a three-year return-to-home pilot program to assist eligible homeless individuals with family reunification.

SECTION 2. (a) The department of human services shall coordinate a voluntary homeless assistance pilot program, to be known as the return-to-home pilot program, to provide eligible homeless individuals with assistance in being reunited with family and relatives in the individual’s home state. The department shall establish a public-private partnership by contracting with eligible nonprofit organizations, for-profit organizations, or foundations to

administer the pilot program without regard to chapters 103D and 103F, Hawaii Revised Statutes. The governor's coordinator on homelessness may assist with the implementation of this program.

(b) An individual who is homeless shall be eligible to participate in the return-to-home pilot program if:

- (1) The individual's participation is completely voluntary;
- (2) The individual, if on parole, probation, or awaiting a court hearing or sentencing, has proper clearance from the court to participate in the pilot program; and
- (3) The individual is indigent and lacks the financial resources necessary to secure transportation to return to the individual's home state.

(c) An individual shall participate in the return-to-home pilot program only once and shall sign an agreement to this effect before participating in the pilot program. The agreement shall be kept on file with the department of human services.

(d) The return-to-home pilot program shall actively seek the participation of local airlines, cruise lines, charter companies, homeless programs, travel agencies, and the visitor industry to coordinate and implement the pilot program.

(e) The return-to-home pilot program shall assist program participants with necessary and proper preparations for travel, including obtaining proper identification, accessing public transportation to the airport, providing orientation relating to airport security, and ensuring sufficient personal hygiene.

(f) The return-to-home pilot program shall cease to exist on January 1, 2026.

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 2023-2024 for implementation of the return-to-home pilot program, including all program costs.

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

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No.300, H.D.1, S.D.1, C.D.1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$100,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,867,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved June 21, 2023.)

Note

1. Act 164.

ACT 95

H.B. NO. 1397

A Bill for an Act Relating to Supportive Housing.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,068,767,367 or eleven per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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 2. The legislature finds that supportive housing is an innovative and proven solution to some of the nation's toughest community problems. It combines affordable housing with access to services to help special needs populations, such as chronically homeless individuals and families, individuals with intellectual, developmental, physical or severe mental disabilities, individuals transitioning from incarceration, emancipated foster youth, individuals with an alcohol or drug addiction, and frail elderly individuals, live more stable and productive lives.

According to the Corporation for Supportive Housing, a nonprofit organization that has impacted over two hundred thousand individuals in more than three hundred cities across forty-eight states and the United States Virgin Islands, supportive housing generates significant cost savings to public systems. Cost studies in six different states and cities found that supportive housing results in tenants' decreased use of shelters, hospitals, emergency rooms, jails, and prisons. One case study found that an eighty-five-unit supportive housing facility in Charlotte, North Carolina, which serves individuals with extensive histories of homelessness and a disabling condition, effectively ended homelessness for eighty-one per cent of its tenants. This significant housing stability rate is consistent with other permanent supportive housing models across the country. Moreover, there were significant reductions to emergency room visits, hospital stays, ambulance calls, and for tenants involved with the criminal justice system, reductions in arrests and nights in jail.

Supportive housing also helps build strong, healthy communities by improving the safety of neighborhoods, beautifying city blocks with new or rehabilitated properties, and increasing or stabilizing property values over time.

According to studies from Hawaii Pathways Project and the city and county of Honolulu's housing first program, supportive housing has shown similar positive impacts as in other jurisdictions. Supportive housing benefits include:

- (1) For individuals, improved housing retention, health, and quality of life;
- (2) For systems, reduced burdens and costs on already stretched public systems, such as public safety and emergency medical services; and
- (3) For the community, decreased crime rates and increased or no impact on property values.

The legislature therefore finds that a supportive housing pilot program will help the State determine the impacts of supportive housing for vulnerable populations and provide urgent housing in the midst of the State's homelessness crisis and ongoing housing shortage. Further, granting certain state agencies exemptions from chapters 103D and 103F, Hawaii Revised Statutes, in selecting qualified nonprofit organizations to administer components of the pilot program, who have expertise in delivering specific services with a public purpose, is advantageous to the State and ensures an efficient use of state funds.

Accordingly, the purpose of this Act is to:

- (1) Establish a supportive housing pilot program with the goal of increasing and maintaining supportive housing opportunities for individuals and families with special needs; and
- (2) Appropriate funds for the implementation of the pilot program.

SECTION 3. (a) There is established the supportive housing pilot program within the statewide office on homelessness and housing solutions to provide and maintain affordable, permanent housing and services for individuals and families with special needs.

(b) The statewide office on homelessness and housing solutions shall collaborate with the Hawaii housing finance and development corporation, Hawaii public housing authority, and various state, county, and community agencies to implement the pilot program.

(c) The Hawaii housing finance and development corporation may assist in the development of a rental housing project or projects in which some or all of the units are targeted to special needs individuals or families who require supportive services and with household incomes at or below thirty per cent of the area median income.

(d) The Hawaii public housing authority may implement project-based rent supplement payments to assist project owners of supportive housing projects in maintaining rentals at levels affordable to eligible households with incomes at or below thirty per cent of the area median income, which, together with rental payments received from eligible tenants, will provide project owners with limited rates of return on their investments in rental housing accommodations. The Hawaii public housing authority may enter into memoranda of agreement with the counties or specialized nonprofit organizations as necessary to implement this subsection. The Hawaii public housing authority shall be exempt from chapter 103D, Hawaii Revised Statutes, in selecting a qualified nonprofit organization to administer the rent supplement payments and, without regard to chapter 91, Hawaii Revised Statutes, may establish rules and qualification standards for participants of the supportive housing pilot program.

(e) The statewide office on homelessness and housing solutions shall administer payments for supportive services, including employment services, that assist the residents participating in the pilot program to retain housing, improve their health status, and maximize their ability to live and, when possible, work in the community. Supportive services may include mental health, substance abuse, counseling, and daily living activities. The supportive services funding of not more than \$800 per unit per month is intended to be matched with federal medicaid funds. The statewide office on homelessness and housing solutions may enter into memoranda of agreement with the counties or specialized nonprofit organizations as necessary to implement this section. The statewide office on homelessness and housing solutions shall be exempt from chapters 103D and 103F, Hawaii Revised Statutes, in selecting a qualified nonprofit organization to administer the supportive services payments and, without regard to chapter

91, Hawaii Revised Statutes, may establish rules and qualification standards for participants of the supportive housing pilot program.

(f) The statewide office on homelessness and housing solutions shall develop an information system for the standardized collection of client-level data and data on the provision of housing and supportive services to individuals and families in need of or in supportive housing. The information system shall be used to measure the need for supportive housing and assess and improve the effectiveness of the pilot program.

(g) The Hawaii housing finance and development corporation, Hawaii public housing authority, and statewide office on homelessness and housing solutions shall submit a joint interim report of findings and recommendations, including any proposed legislation, regarding the supportive housing pilot program to the legislature by December 1, 2024, and a joint final report of findings and recommendations by December 1, 2025.

SECTION 4. The first project to be developed pursuant to the pilot program established by this Act shall be located in a county having a population of more than 500,000.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,740,000 or so much thereof as may be necessary for fiscal year 2023-2024 for contracts, not to exceed twenty years, with new supportive housing rental projects or supportive housing rental units in rental projects for project-based rent supplement payments for the pilot program established by this Act.

The sum appropriated shall be expended by the Hawaii public housing authority for the purposes of this Act; provided that the appropriation shall not lapse at the end of the fiscal biennium for which the appropriation is made.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,784,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the provision of support services for qualified individuals and families in new supportive housing.

The sum appropriated shall be expended by the statewide office on homelessness and housing solutions for the purposes of this Act.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$476,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the development of a supportive housing information system.

The sum appropriated shall be expended by the statewide office on homelessness and housing solutions for the purposes of this Act.

SECTION 8. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, 2025.

(Approved June 21, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Affordable Housing.

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

SECTION 1. Section 412:5-305, Hawaii Revised Statutes, is amended to read as follows:

“**§412:5-305 Permitted investments.** (a) To the extent specified [herein,] in this subsection, a bank may invest its own assets in:

- (1) Securities and obligations of the United States government and any agency of the United States government whose debt obligations are fully and explicitly guaranteed as to the timely payment of principal and interest by the full faith and credit of the United States, including without limitation Federal Reserve Banks, the Government National Mortgage Association, the Department of Veterans Affairs, the Federal Housing Administration, the United States Department of Agriculture, the Export-Import Bank, the Overseas Private Investment Corporation, the Commodity Credit Corporation, and the Small Business Administration;
- (2) Bonds, notes, mortgage backed securities, and other debt obligations of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Federal Home Loan Banks;
- (3) Securities and obligations of United States government-sponsored agencies which are originally established or chartered by the United States government to serve public purposes specified by the Congress but whose debt obligations are not explicitly guaranteed by the full faith and credit of the United States, including without limitation Banks for Cooperatives, Federal Agricultural Mortgage Corporation, Federal Farm Credit Banks, Federal Intermediate Credit Banks, Federal Land Banks, Financing Corporation, Resolution Funding Corporation, Student Loan Marketing Association, Tennessee Valley Authority, the United States Postal Service, and securities and obligations of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Federal Home Loan Banks that are not bonds, notes, mortgage backed securities, or other debt obligations of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Federal Home Loan Banks; provided that the total amount invested in obligations of any one issuer shall not exceed twenty per cent of the bank’s capital and surplus; and
- (4) Securities and obligations of quasi-United States governmental institutions, including without limitation the International Bank for Reconstruction and Development (World Bank), the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the European Investment Bank, and other multilateral lending institutions or regional development institutions in which the United States government is a shareholder or contributing member; provided that the total amount invested in obligations of any one issuer shall not exceed twenty per cent of the bank’s capital and surplus.

(b) A bank may invest its own assets in bonds, securities, or similar obligations issued by this State or any county of this State, through an appropriate agency or instrumentality.

(c) To the extent specified ~~[herein,] in this subsection,~~ a bank may invest its own assets in bonds or similar obligations issued by any state of the United States other than this State, the District of Columbia, or any territory or possession of the United States, by municipal governments of such states, territories or possessions or by any foreign country or political subdivision of such country; provided~~[,]~~ that:

- (1) The bond, note, or warrant has been issued in compliance with the constitution and laws of any such government;
- (2) There has been no default in payment of either principal or interest on any of the general obligations of such government for a period of five years immediately preceding the date of the investment; and
- (3) The total amount invested in such obligations of any one issuer by a bank shall not exceed twenty per cent of the bank's capital and surplus.

(d) To the extent specified ~~[herein,] in this subsection,~~ a bank may invest its own assets in notes, bonds, and other obligations of any corporation ~~[which] that~~ at the time of the investment is incorporated under the laws of the United States or any state or territory thereof or the District of Columbia; provided~~[,]~~ that the aggregate amount invested by a bank under this subsection and subsection (e) in any one corporation shall not exceed twenty per cent of the bank's capital and surplus.

(e) To the extent specified ~~[herein,] in this subsection,~~ a bank may invest its own assets in securities of an investment grade. ~~[The term "investment grade"]~~ "Investment grade" means notes, bonds, certificates of interest or participation, beneficial interests, mortgage or receivable-related securities, and other obligations that are commonly understood to be of investment grade quality, including without limitation those securities that are rated within the four highest grades by any nationally-recognized rating service or unrated securities of similar quality as reasonably determined by the bank in its prudent banking judgment, ~~[(]which~~ may be based in part upon estimates ~~[which] that~~ it believes to be reliable~~[)].~~ ~~[Investment grade]~~ "Investment grade" does not include investments ~~[which] that~~ are predominantly speculative in nature. The aggregate amount invested by a bank under this subsection and subsection (d) in any one company or other issuer shall not exceed twenty per cent of the bank's capital and surplus.

(f) To the extent specified ~~[herein,] in this subsection,~~ a bank may purchase, hold, convey, sell, or lease real or personal property as follows:

- (1) The real property in or on which the business of the bank is carried on, including its banking offices; other space in the same property to rent as a source of income; permanent or vacation residences or recreational facilities for its officers and employees; other real property necessary to the accommodation of the bank's business, including but not limited to parking facilities, data processing centers, and real property held for future banking use where the bank in good faith expects to use the property as bank premises; provided that if the bank ceases to use any real property and improvements thereon for one of the foregoing purposes, it shall, within five years thereafter, sell the real property, cease to carry it or them as an asset, or transfer the real property to an operating subsidiary of the bank; provided further that the bank's investment in ~~[such] an~~ operating subsidiary shall not exceed fifteen per cent of the bank's tier one capital; provided further~~[, such]~~ that the property shall not, without

- the approval of the commissioner, exceed seventy-five per cent of the bank's capital and surplus;
- (2) Personal property used in or necessary to the accommodation of the bank's business, including but not limited to furniture, fixtures, equipment, vaults, and safety deposit boxes. The bank's investment in furniture and fixtures shall not, without the approval of the commissioner, exceed twenty-five per cent of the bank's capital and surplus;
 - (3) Personal property and fixtures ~~[which]~~ that the bank acquires for purposes of leasing to third parties, and ~~[such]~~ real property interests as shall be incidental thereto;
 - (4) ~~[Such real]~~ Real property or tangible personal property as may come into its possession as security for loans or in the collection of debts; or as may be purchased by or conveyed to the bank in satisfaction of or on account of debts previously contracted in the course of its business, when ~~[such]~~ the property was held as security by the bank; and
 - (5) The seller's interest under an agreement of sale, as that term is defined in sections 501-101.5^[5] and 502-85, including without limitation the reversionary interest in the real estate and the right to income under the agreement of sale, with or without recourse to the seller.

Except as otherwise authorized in this section, any tangible personal property acquired by a bank pursuant to subsection (f)(4) shall be disposed of as soon as practicable and shall not, without the written consent of the commissioner, be considered a part of the assets of the bank after the expiration of two years from the date of acquisition.

Except as otherwise authorized in this section, any real property acquired by a bank pursuant to subsection (f)(4) shall be sold or exchanged for other real property by the bank within five years after title thereto has vested in it by purchase or otherwise, or within ~~[such further]~~ a later time as may be granted by the commissioner.

Any bank acquiring any real property in any manner other than provided by this section shall immediately, upon receiving notice from the commissioner, charge the same to profit and loss, or otherwise remove the same from assets, and when any loss impairs the capital and surplus of the bank the impairment shall be made good in the manner provided in this chapter.

For purposes of this subsection, "tier one capital" has the same meaning as "tier 1 capital" as set forth in title 12 Code of Federal Regulations section 325.2(v).

- (g) A bank may own or control:
 - (1) Operating subsidiaries, or the parent of the operating subsidiary, as set forth in this article;
 - (2) A corporation, partnership, or limited liability company, organized and existing for the ownership of real or personal property used or which the bank in good faith expects to be used in the bank's business or used for a permissible purpose under title 12 Code of Federal Regulations part 362;
 - (3) The capital stock of the Federal National Mortgage Association, the Student Loan Marketing Association, Federal Home Loan Mortgage Corporation, or of any other corporation organized for substantially the same purposes; provided that this subsection shall be deemed to authorize subscription for as well as purchase of the stock;

- (4) A small business investment company operating under the Federal Small Business Investment Act of 1958;
- (5) Bank service corporations, subject to the Bank Service Company Act, 12 United States Code sections 1861-1862;
- (6) A corporation whose stock is acquired or purchased to save a loss on a preexisting debt secured by ~~such~~ the stock; provided~~[-]~~ that the stock shall be sold within twelve months of the date acquired or purchased, or within ~~such further~~ a later time as may be granted by the commissioner;
- (7) An international banking corporation established pursuant to article 5A or an Edge corporation or an Agreement corporation established or authorized pursuant to section 25a of the Federal Reserve Act, 12 United States Code section 631;
- (8) A captive insurance company incorporated under the laws of the United States, or any state or territory thereof, or the District of Columbia;
- (9) A company transacting a business of insurance or the sale of annuities pursuant to the authority conferred in section 412:5-205.5; and
- (10) A company engaging in securities activities pursuant to the authority conferred in section 412:5-205.7.
 - (h) To the extent specified ~~herein~~ in this subsection, a bank may invest its own assets in limited partnerships, limited liability partnerships, limited liability companies, or corporations formed to invest in residential properties that will qualify for the low income housing tax credit under section 42 of the Internal Revenue Code of 1986, as amended, and under chapters 235 and 241; provided that the ~~total~~ bank may invest in an aggregate amount ~~invested by a bank under this subsection in any one limited partnership, limited liability partnership, limited liability company, or corporation shall not, without the prior approval of the commissioner, exceed two~~ of up to fifteen per cent of the bank's capital and surplus ~~and the aggregate amount invested under this subsection shall not, without the prior approval of the commissioner, exceed five per cent of the bank's capital and surplus. In no case shall the aggregate amount invested by a bank under this subsection exceed ten per cent of the bank's capital and surplus~~ or any after-the-fact notice.
 - (i) An eligible bank may make an investment that exceeds fifteen per cent, but does not exceed twenty per cent, of the bank's capital and surplus without prior notification to, or approval by, the commissioner if the eligible bank submits an after-the-fact notice of the investment to the commissioner. The after-the-fact notice shall include:
 - (1) A description of the eligible bank's investments;
 - (2) The amount of the investment;
 - (3) The percentage of the eligible bank's capital and surplus represented by the investment that is the subject of the notice and the eligible bank's aggregate outstanding low-income housing commitments, including the investment that is the subject of the notice; and
 - (4) A statement certifying that the investment complies with the requirements of subsection (h).
 - (j) For the purposes of this section:
"Eligible bank" means a bank that:
 - (1) Is well capitalized;
 - (2) Has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System;
 - (3) Has a Community Reinvestment Act rating of outstanding or satisfactory; and

- (4) Is not subject to a cease and desist order, consent order, formal written agreement, or Prompt Corrective Action directive or, if subject to any such order, agreement, or directive, is informed in writing by the commissioner or appropriate federal regulator that the bank may be treated as an “eligible bank” for purposes of this subsection.

“Well capitalized” has the same meaning as defined under title 12 Code of Federal Regulations section 6.4.”

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 21, 2023.)

ACT 97

S.B. NO. 865

A Bill for an Act Relating to Housing.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,065,457,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that the cost and availability of housing in the State are significant challenges facing Hawaii residents. Although Hawaii has the tenth highest median wage nationally, living expenses are two-thirds higher than the rest of the nation, with the cost of housing being a major contributing factor. According to the Honolulu Board of REALTORS, by March 2022, the median price for a single-family home on Oahu had risen to \$1,150,000, while the median price for condominiums on Oahu had risen to \$515,000. With a simple mortgage calculator and using conservative assumptions on interest rates and down payment amounts, a household would need to earn over \$200,000 annually to afford to buy a median-priced home on Oahu in 2022, making homeownership out of reach for many of Hawaii’s residents, especially first-time buyers.

Because of the many barriers hindering the production of new housing, including geographic limitations, lack of major infrastructure, construction costs, and government regulation, the State and housing developers have not

been able to produce enough housing for Hawaii residents. According to a 2019 report from the department of business, economic development, and tourism, the projected long-run average estimate of total demand for housing in Hawaii is 72,310 for the 2020 to 2030 period. The legislature has responded through the passage of various legislation. During the regular session of 2020, the legislature passed Act 42, Session Laws of Hawaii 2020, that, among other things, increased the Hula Mae multifamily revenue bond authorization to address Hawaii's affordable rental housing crisis. During the regular session of 2021, the legislature passed Act 227, Session Laws of Hawaii 2021, to establish an affordable homeownership revolving fund to provide loans to nonprofit community development financial institutions and nonprofit housing development organizations for the development of affordable homeownership housing projects. During the regular session of 2022, the legislature passed Act 236, Session Laws of Hawaii 2022, that, in part, provides funds to address Hawaii's affordable rental housing crisis.

Despite these efforts, the amount of new construction of housing, especially for low- to middle-income families, continues to be inadequate as the supply of housing remains constrained while demand for housing increases. This lack of supply leads to higher housing prices and rents for households of all income levels, leaving all tenants with less disposable income, increasing the personal stress on buyers and renters, and exacerbating overcrowding and homelessness. Given these consequences, the lack of affordable housing requires the concentrated attention of state government at the highest level.

The legislature further finds that with Honolulu's construction of an elevated rail transit system, the State has an opportunity to enhance Oahu's urban environment and increase the quality of life for residents by increasing the affordable housing inventory and eliminating the need for personal automobiles, among other public benefits. As the largest landowner of properties along the transit line, with approximately two thousand acres under the jurisdiction of various departments, the State must be proactive in establishing a unified vision and approach toward redevelopment of its properties to maximize the benefits of state lands available for redevelopment.

The purpose of this Act is to:

- (1) Establish the ninety-nine year leasehold program to facilitate the creation of low-cost leasehold residential condominium units for sale to Hawaii residents on non-ceded state-owned land near public transit stations; and
- (2) Authorize the Hawaii community development authority to sell the leasehold interest in residential condominium units located on state lands for lease terms of ninety-nine years.

SECTION 3. Chapter 206E, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . NINETY-NINE YEAR LEASEHOLD PROGRAM

§ 206E- Definitions. As used in this part, unless the context otherwise requires:

“Mixed-use project” means a project consisting of any combination of a commercial project, redevelopment project, or residential project.

“Owner-occupied residential use” means any use currently permitted in existing residential zones consistent with owner occupancy. “Owner-occupied residential use” does not include renting or subleasing by the owner of a residential condominium unit to any tenant or sublessee of any kind.

“Project” means a specific work or improvement, including real and personal properties, or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated, or improved by the authority, including a commercial project, redevelopment project, residential project, or mixed-use project.

“Public transit station” means a planned or existing station connected to a locally preferred alternative for a mass transit project.

“Urban redevelopment site” means non-ceded state-owned lands within a one-mile radius of a public transit station in a county having a population greater than five hundred thousand.

§206E- Ninety-nine year leasehold program. (a) There is established the ninety-nine year leasehold program for the purpose of providing low-cost, leasehold residential condominium units for sale to Hawaii residents on state-owned lands within an urban redevelopment site.

(b) The program shall be limited to one project on non-ceded lands within an urban redevelopment site, which shall be selected by the authority.

§206E- Rules; guidelines. (a) Residential condominium units within urban redevelopment sites shall not be advertised for rent, rented, or used for any purpose other than owner-occupied residential use. The authority, by rule, shall establish penalties for violations of this subsection up to and including forced sale of a residential condominium unit within an urban redevelopment site.

(b) The design and development contracts for residential condominium units within an urban redevelopment site shall be subject to chapter 103D.

(c) Development should be revenue-neutral to the greatest extent possible.

(d) Urban redevelopment sites shall maximize walkability.

§206E- Sale of the leasehold interest of residential condominium units; rules; guidelines. (a) The authority shall adopt rules pursuant to chapter 91 for the sale of the leasehold interest of residential condominium units under its control within urban redevelopment sites; provided that each lease shall be for a term of ninety-nine years. The rules shall include the following requirements for an eligible buyer or owner of a residential condominium unit within an urban redevelopment site:

(1) The person shall be a qualified resident of the State, as defined in section 201H-32;

(2) The person shall not use a residential condominium unit within an urban redevelopment site for any purpose other than owner-occupied residential use; and

(3) The person, the person’s spouse, or any other person intending to live with the eligible buyer or owner, shall not own any other real property, including any residential and non-residential property, beneficial ownership of trusts, and co-ownership or fractional ownership, while owning a residential condominium unit within an urban redevelopment site; provided that an eligible buyer may own real property up to six months after closing on the purchase of a residential condominium unit within an urban redevelopment site; provided further that an owner of a residential condominium unit within an urban redevelopment site in the process of selling the residential condominium unit may own other real property up to six months prior to closing on the sale of the residential condominium unit to an eligible buyer;

provided that the rules adopted pursuant to this subsection may require at least fifty per cent of the residential condominium units be sold to an individual or household with an income of up to one hundred forty per cent of the area median income. The rules shall include strict enforcement of owner-occupancy, including a prohibition on renting or subleasing a residential condominium unit within an urban redevelopment site to any tenant or sublessee. The authority may also establish rules for a minimum number of days residents shall be physically present on the premises and a maximum number of days non-residents may have access to the premises.

(b) The median price of residential condominium units within an urban redevelopment site shall be priced at the minimum levels necessary to ensure that the development is revenue-neutral for the State.

(c) Residential condominium units within an urban redevelopment site shall be sold only to other eligible buyers.

(d) An owner of a residential condominium unit within an urban redevelopment site may sell the owner's residential condominium unit; provided that the authority shall have the right of first refusal to purchase the residential condominium unit for certain period of time and for a buyback price to be determined by the authority. If the authority does not exercise its right to purchase the residential condominium unit, the residential condominium unit may be sold by the owner to an eligible buyer. Upon the death of the owner of a residential condominium unit within an urban redevelopment site, the residential condominium unit may be transferred to the deceased's heir by devise or as any other real property under existing law; provided that the deceased's heir shall meet the requirements listed in subsection (a); provided further that if the deceased's heir does not meet requirements to accept transfer of the residential condominium unit, the deceased's heir shall sell the residential condominium unit to an eligible buyer.

(e) The authority may adopt rules pursuant to chapter 91 that authorize the executive director to waive the requirements set forth in subsection (a), where the inability of an owner to reside in the residential condominium unit is due to unforeseen circumstances, military transfer, serious illness, or other hardship circumstances as determined by the executive director.

§206E- Use of public lands; acquisition of state lands (a) If state lands under the control and management of other public agencies are required by the authority for the purposes of this part, the agency having the control and management of those required lands, upon request by the authority and with the approval of the governor, may convey or lease those lands to the authority upon terms and conditions as may be agreed to by the parties.

(b) Notwithstanding the foregoing, no public lands shall be conveyed or leased to the authority pursuant to this section if the conveyance or lease would impair any covenant between the State or any county or any department or board thereof and the holders of bonds issued by the State or that county, department, or board.

§206E- Acquisition of real property from a county. Notwithstanding the provision of any law or charter, any county, by resolution of its county council, without public auction, sealed bids, or public notice, may sell, lease, grant, or convey to the authority any real property owned by it that the authority certifies to be necessary for the purposes of this part. The sale, lease, grant, or conveyance shall be made with or without consideration and upon terms and conditions as may be agreed upon by the county and the authority. Certification shall be evidenced by a formal request from the authority. Before the sale, lease, grant, or conveyance may be made to the authority, a public hearing shall be

held by the county council to consider the same. Notice of the hearing shall be published at least six days before the date set for the hearing in the publication and in the manner as may be designated by the county council.

§206E- Condemnation of real property. The authority, upon making a finding that it is necessary to acquire any real property for its immediate or future use for the purposes of this part, may acquire the property, including property already devoted to a public use, by condemnation pursuant to chapter 101. The property shall not thereafter be taken for any other public use without the consent of the authority. No award of compensation shall be increased by reason of any increase in the value of real property caused by the designation of the urban redevelopment site or plan adopted pursuant to a designation, or the actual or proposed acquisition, use, or disposition of any other real property by the authority.

§206E- Construction contracts. Construction contracts for residential condominium units within an urban redevelopment site shall be subject to chapter 103D.

§206E- Lease of projects. Notwithstanding any law to the contrary, the authority, without recourse to chapter 103D, may lease for a term not exceeding sixty-five years all or any portion of the real or personal property constituting a commercial project to any person, upon terms and conditions as may be approved by the authority; provided that all revenues generated from the lease shall be used to support the purpose of the program.

§206E- Assistance by state and county agencies. Any state or county agency, upon request of the authority, may render services for the purposes of this part.

§206E- Lands no longer needed. Lands acquired by the authority from another government agency that are no longer needed by the authority for the program shall be returned to the previous owner of those lands. Lands acquired by the authority from a private party that are owned by the authority and designated for the program but are subsequently no longer needed for the program shall be retained by the authority.

§206E- Rules. The authority may adopt rules pursuant to chapter 91 that are necessary for the purposes of this part.

§206E- Leasehold condominiums on state lands. (a) The authority may sell leasehold units in condominiums organized pursuant to chapter 514B and developed under this part on state land to a qualified resident as defined in section 201H-32.

(b) The term of the lease may be for ninety-nine years, and the authority may extend or modify the fixed rental period of the lease or extend the term of the lease.

(c) The powers conferred upon the authority by this section shall be in addition and supplemental to the powers conferred by any other law, and nothing in this section shall be construed as limiting any powers, rights, privileges, or immunities so conferred.

§206E- Annual reports. The authority shall submit a report to the legislature on the progress of the program projects no later than twenty days

prior to the convening of each regular session. The annual report shall include the feasibility of expanding the program, the demand of leasehold projects developed under this part, and an appropriate leasehold duration.”

SECTION 4. Section 302A-1603, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The following shall be exempt from this section:

- (1) Any form of housing permanently excluding school-aged children, with the necessary covenants or declarations of restrictions recorded on the property;
- (2) Any form of housing that is or will be paying the transient accommodations tax under chapter 237D;
- (3) All nonresidential development;
- (4) Any development with an executed education contribution agreement or other like document with the authority or the department for the contribution of school sites or payment of fees for school land or school construction; ~~and~~
- (5) Any form of housing developed by the department of Hawaiian home lands for use by beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended~~[-]; and~~
- (6) Any form of development by the Hawaii community development authority pursuant to part of chapter 206E.”

SECTION 5. 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 2023-2024 for the Hawaii community development authority to:

- (1) Adopt rules;
- (2) Engage the community; and
- (3) Conduct site and predevelopment planning;

for the ninety-nine year leasehold program established in section 3 of this Act.

The sum appropriated shall be expended by the Hawaii community development authority for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$190,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of two full-time equivalent (2.0 FTE) positions within the Hawaii community development authority.

The sums appropriated shall be expended by the Hawaii community development authority for the purposes of 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 on July 1, 2023; provided that the amendments made to section 302A-1603(b), Hawaii Revised Statutes, by section 4 of this Act shall not be repealed when that section is reenacted pursuant to Act 197, Session Laws of Hawaii 2021.

(Approved June 21, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Kupuna Housing.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,767,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that homelessness is one of the most pressing problems in Hawaii and requires a robust, comprehensive, long-term solution to address the State's affordable housing and homelessness crisis. One important component of the solution is ensuring that low-income kupuna are not forced into homelessness through a combination of fixed incomes and rapidly rising rents.

The legislature further finds that, over the last fifty years, the number of cost-burdened renters, or those paying more than thirty per cent of their income for rent, has significantly increased. Today, almost half of all renters in the State pay more than thirty per cent of their income for rent. High housing costs have driven more and more Hawaii residents into homelessness, and now the homelessness rate per capita in Hawaii is among the highest in the nation.

The legislature additionally finds that, by making smart investments in homelessness and housing, using data-driven practices, and improving coordination, Hawaii has gradually begun to turn the tide in the homelessness crisis. In 2017, Hawaii's homelessness rate went down for the first time in years, a trend that continued in 2018. During the regular session of 2018, the legislature made unprecedented investments in low-income housing and homelessness, appropriating \$200,000,000 for the rental housing revolving fund, \$30,000,000 for ohana zones, and \$13,500,000 for proven-effective and promising homelessness programs.

The legislature also finds that, to turn back fifty years of growth in Hawaii's housing and homelessness crisis, investments of this scale must be made consistently in the coming years. Hawaii must prioritize programs that are the most cost-effective and protect the most vulnerable populations, including the State's kupuna. The 2017 Hawaii Homeless Service Utilization Report found that there are 1,386 homeless elders in the State. Many more elders face homelessness as rents skyrocket. Due to elders' fixed incomes, a state rent supplement program for kupuna is needed to expand on the existing state rent supplement program administered by the Hawaii public housing authority.

Accordingly, the purpose of this Act is to temporarily expand the state rent supplement program specifically for qualified kupuna who are sixty-two

years of age or older and are homeless, or at imminent risk of becoming homeless, and to appropriate funds for this purpose.

SECTION 3. Chapter 356D, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§356D- State rent supplement program for kupuna. (a) There is established the state rent supplement program for kupuna to be administered by the authority to provide state rent supplement assistance and other services to qualified kupuna under this section.

(b) The authority shall:

- (1) Provide state rent supplement assistance to qualified kupuna;
- (2) Provide housing counseling to assist qualified kupuna in obtaining or retaining permanent housing; and
- (3) Coordinate with mental health services providers and other supportive services providers to assist qualified kupuna.

(c) The authority may enter into memoranda of agreement with the counties or specialized nonprofit organizations as necessary to implement this section.

(d) The authority, without regard to chapter 91, shall establish rules and any additional qualification standards specifically for recipients of the state rent supplement program for kupuna.

(e) The authority shall submit to the legislature an annual report of its findings and recommendations regarding the state rent supplement program for kupuna, including any proposed legislation, no later than thirty days prior to the convening of each regular session.

(f) As used in this section, “qualified kupuna” means a person who:

- (1) Is sixty-two years of age or older;
- (2) Is homeless or at imminent risk of becoming homeless; and
- (3) Otherwise meets the requirements for a qualified tenant under section 356D-153.”

SECTION 4. 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 2023-2024 for the state rent supplement program for kupuna established under section 356D- , Hawaii Revised Statutes; provided that any funds appropriated under this section shall be in addition to the base budget of the Hawaii public housing authority for the state rent supplement program.

The sum appropriated shall be expended by the Hawaii public housing authority for the purposes of this Act.

SECTION 5. New statutory material is underscored.²

SECTION 6. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, 2026.

(Approved June 21, 2023.)

Notes

1. Act 164.

2. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the Hawaii Public Housing Authority.

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

SECTION 1. Section 356D-31, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In the operation or management of federal public housing projects, the authority [~~], acting directly or by an agent or agents [)],~~ at all times shall observe the following duties with respect to rentals and tenant selection:

- (1) [~~H]~~ The authority may establish maximum limits of annual net income for tenant selection in any public housing project, less [~~such~~] any exemptions as may be authorized by federal regulations pertaining to public housing. The authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority; [~~provided that not less than fifty per cent of available units shall be for applicants without preference and up to fifty per cent of available units shall be for applicants with preference;~~]
- (2) [~~H]~~ The authority may rent or lease the dwelling units therein only at rentals within the financial reach of persons who lack the amount of income that [~~H]~~ the authority determines to be necessary to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living; and
- (3) [~~H]~~ The authority may rent or lease to a tenant a dwelling consisting of the number of rooms [~~], but no greater number [) that H],~~ than the authority deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.”

SECTION 2. Section 356D-42, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The authority shall select tenants upon the basis of those in greatest need for the particular housing, subject to the following limitations and preferences:

- (1) The authority may limit the tenants of any state low-income housing project to classes of persons when required by federal law or regulation as a term or condition of obtaining assistance from the federal government; [~~provided that not less than fifty per cent of available units shall be for applicants without preference and up to fifty per cent of available units shall be for applicants with preference;~~]
- (2) Within the priorities established by the authority recognizing need, veterans with a permanent disability of ten per cent or more, as certified by the United States Department of Veterans Affairs, and their dependent parents, if any. The deceased veteran’s [~~widow or widower~~] spouse shall be given first preference. Parents of veterans shall not use the veteran status of their adult child as a basis for preference; and
- (3) Subject to any limitations set by federal law or regulation, the authority shall not select as a tenant, and may terminate the tenancy of, any person if the person or any household member owns or acquires a home within the State.”

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 21, 2023.)

ACT 100

S.B. NO. 162

A Bill for an Act Relating to Dentistry Licenses.

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

SECTION 1. Section 447-1.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The board of dentistry may issue, without examination, a community service license to practice dental hygiene in the employment of a federally qualified health center, Native Hawaiian health ~~[care system,]~~ center, community health center, rural health clinic, mobile dental outreach program, or post-secondary dental auxiliary training program accredited by the American Dental Association Commission on Dental Accreditation. Community service licensees under this section shall abide by the requirements and conditions placed upon those fully licensed under this chapter.

Eligible candidates shall:

- (1) Provide copies of documentation and credentials that include but are not limited to:
 - (A) A diploma or certificate of graduation from a dental hygiene college accredited by or that has a reciprocal agreement with the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) Either of the following:
 - (i) A certificate or other evidence satisfactory to the board of having passed the examination of the National Board Dental Hygiene Examination[?] within five years of the date of request; or
 - (ii) Evidence of active clinical dental hygiene practice of not less than one thousand hours per year for the three years immediately prior to the date of request;
- (2) Provide a copy of an active, unrestricted dental hygiene practice license from another state;
- (3) Disclose to the board of dentistry all previous and pending legal or regulatory action relating to claims of malpractice, or personal[?] or professional misconduct; and
- (4) Pay applicable registration fees, which shall be one half of the prevailing biennial registration fee for dental hygienists.

No person who, after July 2, 2004, has failed to pass the license examination administered under this chapter may be issued a community service ~~[dental hygiene]~~ license.”

SECTION 2. Section 448-9, Hawaii Revised Statutes, is amended to read as follows:

“**§448-9 Application for licensure.** Any person of eighteen years or more shall be eligible for licensure upon submission of:

- (1) An application to the executive officer of the board not later than forty-five days prior to the date of the scheduled examination;
- (2) Application and examination fees; and
- (3) Documentation and credentials that shall include but are not limited to the following:
 - (A) A diploma or certificate of graduation from a dental college accredited by the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) A certificate or other evidence satisfactory to the board of having passed parts I and II of the National Board Dental Examination[-] or the Integrated National Board Dental Examination.”

SECTION 3. Section 448-9.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The board [~~of dentistry~~] may issue, without examination, a community service license to practice dentistry in the employment of the department of health, a federally qualified health center, Native Hawaiian health [~~systems~~] center, community health center, rural health clinic, mobile dental outreach program, or post-secondary dental auxiliary training program accredited by the American Dental Association Commission on Dental Accreditation. Community service licensees under this section shall abide by the requirements and conditions placed upon those fully licensed under this chapter.

Eligible candidates shall:

- (1) Provide copies of documentation and credentials that include but are not limited to:
 - (A) A diploma or certificate of graduation from a dental college accredited by or that has a reciprocal agreement with the American Dental Association Commission on Dental Accreditation, recognized and approved by the board; and
 - (B) Either of the following:
 - (i) A certificate or other evidence satisfactory to the board of having passed part II of the National Board Dental Examination or the Integrated National Board Dental Examination within five years of the date of request; or
 - (ii) Evidence of active practice of clinical dentistry of not less than one thousand hours per year for the three years immediately prior to the date of request;
- (2) Provide a copy of an active, unrestricted dental practice license from another state;
- (3) Disclose to the board [~~of dentistry~~] all previous and pending legal or regulatory action relating to claims of malpractice, or personal or professional misconduct; and
- (4) Pay applicable registration fees, which shall be one half of the prevailing biennial registration fee for [~~dentistry~~] dentists.

No person who, after July 2, 2004, has failed to pass the license examination administered under this chapter shall have the benefit of a community service [~~dental~~] license.”

SECTION 4. Section 448-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board ~~[of dentistry]~~ may issue a temporary license without examination to any person ~~[otherwise]~~ who is:

- (1) Otherwise qualified to be examined~~[-, who is enrolled], except as allowed under paragraph (3);~~
- (2) Enrolled in a post-doctoral residency program that is accredited and recognized by the American Dental Association Commission on Dental Accreditation~~[-]; and~~
- (3) A graduate from a dental college accredited by, or that has a reciprocal agreement with, the American Dental Association Commission on Dental Accreditation that is recognized and approved by the board.

The temporary license shall authorize the person to whom the license is issued to practice dentistry exclusively under the auspices of the dental residency program and shall be in force until the earliest of the following occurs:

- (1) ~~The~~ the date the person completes or leaves the residency program~~[-];~~ or
- (2) ~~The~~ the date on which the board revokes the temporary license; provided that the board may revoke the temporary license at any time for cause.”

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 22, 2023.)

ACT 101

S.B. NO. 473

A Bill for an Act Relating to the Practice of Pharmacy.

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

SECTION 1. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§461- Distribution of dialysate drugs and devices.** (a) The license, registration, and permit requirements of this chapter shall not apply to a manufacturer, wholesale distributor, manufacturer engaged in direct distribution to qualified persons, or third-party logistics provider, to the extent the manufacturer, wholesale distributor, manufacturer engaged in direct distribution to qualified persons, or third-party logistics provider is engaged in the distribution of dialysate drugs or devices necessary to perform home dialysis on patients with end-stage renal disease; provided that the following criteria shall be met:

- (1) The dialysate drugs or devices are approved by the United States Food and Drug Administration, as required by federal law;
- (2) The dialysate drugs or devices are lawfully held by a manufacturer or a manufacturer’s agent that is properly licensed with the board as a manufacturer, wholesale distributor, or manufacturer engaged in direct distribution to qualified persons;
- (3) The dialysate drugs or devices are held and delivered in the original, sealed, and labeled packaging from the manufacturing facility;

- (4) The dialysate drugs or devices are delivered only by the manufacturer or the manufacturer’s agent and only upon receipt of an order by a physician, a physician assistant, or an advanced practice registered nurse with prescriptive authority; and
- (5) The manufacturer or the manufacturer’s agent delivers the dialysate drugs or devices directly to:
 - (A) A patient with end-stage renal disease, or the patient’s designee, for the patient’s self-administration of dialysis therapy; or
 - (B) A health care provider or an institution for administration or delivery of dialysis therapy to a patient with end-stage renal disease.

(b) For the purposes of this section:

“Manufacturer” has the same meaning as in section 328-112.

“Third-party logistics provider” means an entity that provides or coordinates warehousing or other logistics services on behalf of a manufacturer, wholesale distributor, or dispenser of a product.

“Wholesale distributor” has the same meaning as in section 328-112.”

SECTION 2. New statutory material is underscored.¹

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

(Approved June 22, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 102

S.B. NO. 599

A Bill for an Act Relating to Health.

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

SECTION 1. 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;
- (9) Medicaid application forms for nursing care facility admission; ~~and~~
- (10) Orders for occupational therapy and plans of care~~[-]; and~~
- (11) Orders for respiratory therapy and plans of care.”

SECTION 2. Section 466D-1, Hawaii Revised Statutes, is amended by amending the definitions of “practice of respiratory care” and “qualified medical direction” to read as follows:

““Practice of respiratory care” means providing assessment, therapy, management, rehabilitation, support services for diagnostic evaluation, education, and care for patients with deficiencies and abnormalities that affect the pulmonary system, including:

- (1) Respiratory care services, including the administration of pharmacological, diagnostic, and therapeutic care related to respiratory care procedures necessary for treatment, disease prevention, rehabilitative, or diagnostic regimens prescribed by a physician[;] or an osteopathic 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;
- (2) Observation and monitoring of signs, symptoms, reactions, and physical responses to respiratory care treatment and diagnostic testing;
- (3) Diagnostic or therapeutic use of:
 - (A) Medical gases, excluding general anesthesia;
 - (B) Aerosols, humidification, environmental control systems, or invasive and non-invasive modalities;
 - (C) Pharmacological care related to respiratory care procedures;
 - (D) Mechanical or physiological ventilatory support, including maintenance of natural airways and insertion and maintenance of artificial airways;
 - (E) Cardiopulmonary resuscitation; and
 - (F) Respiratory protocol and evaluation or diagnostic and testing techniques required for implementation of respiratory care protocols; and
- (4) The transcription and implementation of the written, verbal, and telecommunicated orders of a licensed physician, licensed osteopathic physician, licensed physician assistant, or licensed advanced practice registered nurse, pertaining to the practice of respiratory care.

“Qualified [~~medical~~] direction” means ready access by a respiratory therapist to a licensed physician, licensed osteopathic physician, licensed physician assistant, or licensed advanced practice registered nurse, who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.”

SECTION 3. Section 466D-4, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§466D-4]] Physician supervision~~ Order and qualified direction required. No person shall practice respiratory care under this chapter except under the [~~direct~~] order and qualified [~~medical~~] direction of a physician or an osteopathic 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.”

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 22, 2023.)

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 pharmacies are vital to the State's health care system because of their convenient points of access in their communities. Pharmacists are trusted health care professionals who have established relationships with their patients, medical providers, and hospitals.

The legislature further finds that the coronavirus disease 2019 (COVID-19) pandemic highlighted the critical need to address health care testing accessibility and streamline unnecessary administrative regulations. To increase COVID-19 testing, in April 2020, the federal government issued an emergency declaration under the Public Readiness and Emergency Preparedness (PREP) Act, which, among other things, authorized pharmacists to order and administer COVID-19 testing and increased access to certain pharmacy-administered tests. The PREP Act is in effect through the end of 2024; however, there are certain provisions in the PREP Act that have not been codified in state law.

In addition to COVID-19 tests, the legislature further finds that pharmacists in the State are currently permitted to perform certain drug therapy-related tests under the definition of "practice of pharmacy" in section 461-1, Hawaii Revised Statutes. However, there are differing interpretations under state law as to whether pharmacists can explicitly perform tests that are classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA). CLIA-waived tests are simple tests that are non-technical and have a low risk for erroneous results. Some examples of CLIA-waived tests include blood glucose monitoring tests, streptococcal pharyngitis tests, cholesterol monitoring tests, and various tests for respiratory illnesses including influenza and respiratory syncytial virus, and, recently, SARS-CoV-2 (COVID-19) point-of-care or "rapid" tests.

Accordingly, the purpose of this Act is to amend the pharmacy scope of practice to specify that pharmacists may order, perform, and report the results of certain CLIA-waived tests.

SECTION 2. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§461- CLIA-waived tests; authority; permitting and education requirements; reporting. (a) Unless otherwise authorized by law, a pharmacist shall only exercise the authority granted under paragraph (5) of the definition of "practice of pharmacy" in section 461-1 to order, perform, and report the results of certain CLIA-waived tests:

- (1) After completing appropriate training that includes programs approved by the Accreditation Council for Pharmacy Education, curriculum-based programs from an Accreditation Council for Pharmacy Education-accredited college of pharmacy, state or local health department programs, or programs recognized by the board, and any regulations promulgated by the federal Centers for Medicare and Medicaid Services; and
- (2) Upon application for and receipt of a permit pursuant to the requirements of section 321-13.

(b) Any pharmacist performing a CLIA-waived test for a patient shall report the results of the test to a minor patient's pediatrician or an adult patient's primary care provider, if such information is provided by the patient at the time

of testing. The pharmacist shall attempt to solicit pediatrician or primary care provider information at the time of performing the CLIA-waived test.

(c) For any CLIA-waived tests performed, pharmacists shall follow all applicable state laws and rules regarding the reporting of diseases.”

SECTION 3. Section 461-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““CLIA-waived tests” means any test that is classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. 263a).”

2. By amending the definition of “practice of pharmacy” to read:

““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 non-prescription 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, 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[-]; and
- (5) Notwithstanding any other law to the contrary, and in accordance with the requirements of section 461- ordering, performing, and reporting the results of the following CLIA-waived tests:
- (A) Blood glucose;
 - (B) Hemoglobin A1C;
 - (C) Hepatitis C;
 - (D) Human immunodeficiency virus;
 - (E) Influenza;
 - (F) Respiratory syncytial virus;

(G) SARS-CoV-2; or
 (H) Streptococcal pharyngitis.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved June 22, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 104

S.B. NO. 759

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 access to health care is often complicated for rural residents. Many of the State’s specialty practices are located in the urban portions of Oahu, and many medical specialists are unwilling to practice in underserved rural areas of the State. This inherent barrier to care underscores the severe need for comprehensive health care coordination in rural areas.

The legislature further finds that the department of health’s office of primary care and rural health, in partnership with community organizations such as Community First, conducted a community health needs assessment for Hawaii island titled “Access to Care — Health for Our Communities”. The assessment analyzed 3,287 resident survey responses and identified delays in health care delivery as residents’ greatest obstacle to care. Nearly six in ten respondents reported delays, often due to the limited availability of specialists.

The legislature further finds that larger societal concerns, including affordable housing, the State’s high cost of living, transportation difficulties, and child care challenges are barriers to care that disproportionately affect residents of underserved rural areas. To ensure health equity, the State must look beyond the symptoms of social determinants of health to address the root causes of negative health outcomes that disproportionately affect rural communities, low-income communities, communities of color, and sexual and gender minorities.

The legislature further finds that coordinated efforts at all levels are necessary to examine social determinants that impact a community’s access to health care resources and to improve public health. The establishment of a strong health network in underserved areas will allow these areas to efficiently develop health care plans that encompass preventative and primary health care, specialty care, and urgent and emergency care. Comprehensive plans to align health care priorities with existing resources will foster collaboration between providers, avoid service duplication, and streamline care delivery for the State’s most vulnerable residents.

The purpose of this Act is to require the office of primary care and rural health to oversee and support community efforts to collaboratively address the health and wellness needs of the State’s most underserved rural residents and facilitate discussions between key community health and social service

ACT 105

organizations to develop plans to address community needs highlighted by the Access to Care needs assessment.

SECTION 2. (a) The office of primary care and rural health shall oversee and support community efforts to collaboratively address the health and wellness needs of the State's most underserved rural residents and facilitate discussions between key community health and social service organizations to develop plans that align with appropriate providers' goals and objectives.

(b) The office of primary care and rural health shall include a one-time summary of community plans addressing the Access to Care needs assessment with the report that is to be submitted to the legislature prior to the regular session of 2024, pursuant to section 321-1.5, Hawaii Revised Statutes.

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

(Approved June 22, 2023.)

ACT 105

H.B. NO. 660

A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds for 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 of 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 \$240,000,000, in one or more series, for the purpose of assisting Hawai'i Pacific Health, a Hawaii nonprofit corporation, and one or more of its nonprofit affiliates to finance the costs of construction of, improvements to, and equipping of health care facilities, including the following:

- (1) Design, construction, furniture, fixtures, equipment, and information technology of Phase 1 of a multi-phase redevelopment project to existing health care facilities at Straub Medical Center (Straub) to create a future-forward medical facility to serve the people of Hawaii in the years ahead;
- (2) Phase 1 involves construction of a new parking facility to triple the number of parking stalls, which will ease congestion and improve accessibility to Straub; renovations also include a conference and meeting center and an employee wellness center to promote employee wellness, as well as the acquisition of equipment, including solar panels to create a more environmentally-friendly medical facility;
- (3) Planning and design related to Phase 2 - a new sixteen-story hospital tower and low-rise structure with a second rooftop garden. The new tower will include an expanded emergency department, larger patient rooms, and more space to provide exceptional quality care; and
- (4) Other related projects for Straub.

The legislature hereby finds and determines that the activities and facilities of Hawai'i Pacific Health and its nonprofit affiliates constitute a project as

defined in part II of chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to not-for-profit corporations that provide 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 of 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, 2028, 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, 2028.

SECTION 6. The authorization of special purpose revenue bonds pursuant to this Act shall be made notwithstanding any limitation in Act 182, Session Laws of Hawaii 2022.

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

(Approved June 22, 2023.)

ACT 106

H.B. NO. 884

A Bill for an Act Relating to Traveling Team Physicians.

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

SECTION 1. Chapter 453, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§453- Traveling team physicians; exemption. (a) A physician licensed and in good standing to practice as a physician in another state shall be exempt from the licensure requirements of this chapter if:

- (1) The physician has a written or oral agreement with a sports team to provide care to team members and coaching staff traveling with the team for a specific sporting event to take place in the State; provided that:
 - (A) The physician’s practice is limited to that required by the bona fide national sport governing body, intercollegiate league, or professional league;
 - (B) The services provided by the physician are within the physician’s scope of practice; and

- (C) The physician has notified the Hawaii medical board of the date the physician intends to enter and practice in the State before the physician enters the State; or
- (2) The physician has been invited by a bona fide national sport governing body, intercollegiate league, or professional league to provide services to team members and coaching staff at a bona fide national sport training center in the State or to provide services at an event or competition in the State that is sanctioned by the bona fide national sport governing body, intercollegiate league, or professional league; provided that:
 - (A) The physician's practice is limited to that required by the bona fide national sport governing body, intercollegiate league, or professional league;
 - (B) The services provided by the physician are within the physician's scope of practice; and
 - (C) The physician has notified the Hawaii medical board of the date the physician intends to enter and practice in the State before the physician enters the State.
- (b) Nothing in this section shall be construed to permit a physician exempted by this section to:
 - (1) Provide care or consultation to any person residing in the State, other than a person specified in subsection (a); or
 - (2) Practice at a licensed health care facility in the State.
- (c) Except as otherwise provided in this subsection, an exemption pursuant to subsection (a)(1) shall be valid while the physician is traveling with the sports team, but shall be no longer than ten days per individual sporting event. Upon application to the Hawaii medical board and for good cause shown, the Hawaii medical board may extend the time period in this subsection up to twenty days per individual sporting event, for a total of thirty days; provided that no physician shall be granted extensions that total more than thirty days in a calendar year.
- (d) An exemption pursuant to subsection (a)(2) shall be valid during the time certified by the bona fide national sport governing body, intercollegiate league, or professional league; provided that no exemption shall be valid for more than thirty days.
- (e) The Hawaii medical board may enter into agreements with medical and osteopathic licensing boards of other states to implement this section. Agreements may include procedures for reporting potential medical license violations.”

SECTION 2. New statutory material is underscored.¹

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

(Approved June 22, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 107

A Bill for an Act Relating to Telehealth.

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

SECTION 1. The legislature finds that telehealth has served as a lifeline of access to essential health care services for residents with adequate broadband coverage. However, many residents that live in rural and underprivileged communities are often cut off from receiving essential health care through telehealth because they lack the broadband coverage necessary to access this care. As a result, many of these residents will put off receiving care until the point of requiring emergency room admission, which in turn adds strain to a system already experiencing resource and staffing shortages.

The legislature further finds that the use of standard telephone contact in telehealth during the coronavirus disease 2019 pandemic demonstrated the effectiveness of this tool as a mode of essential health care delivery, especially for residents living in rural, isolated, and underprivileged communities. For kupuna and others who may have limited digital literacy, the ability to use a landline telephone to receive care was a lifeline resource during the pandemic.

The purpose of this Act is to temporarily allow for the reimbursement for services provided through an interactive telecommunication system and two-way, real-time audio-only communications for telehealth purposes, consistent with the 2023 Medicare Physician Fee Schedule, and impose certain reimbursement limits and conditions for private insurers.

SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Reimbursement for services provided through telehealth via an interactive telecommunications system shall be equivalent to reimbursement for the same services provided via ~~[face-to-face]~~ in-person contact between a health care provider and a patient~~[-];~~ provided that reimbursement for the diagnosis, evaluation, or treatment of a mental health disorder delivered through an interactive telecommunications system using two-way, real-time audio-only communication technology shall meet the requirements of title 42 Code of Federal Regulations section 410.78. Nothing in this section shall require a health care provider to be physically present with the patient at an originating site unless a health care provider at the distant site deems it necessary.”

2. By amending subsection (g) to read:

“(g) For the purposes of this section:

“Distant site” means the location of the health care provider delivering services through telehealth at the time the services are provided.

“Health care provider” means a provider of services, as defined in title 42 United States Code section 1395x(u), a provider of medical and other health services, as defined in title 42 United States Code section 1395x(s), other practitioners licensed by the State and working within their scope of practice, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business, including but not limited to primary care providers, mental health providers, oral health providers, physicians and osteopathic physicians licensed under chapter 453, advanced practice registered nurses licensed under chapter 457, psychologists licensed under chapter 465, and dentists licensed under chapter 448.

“Interactive telecommunications system” has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a health care provider through telehealth, including but not limited to a health care provider’s office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient’s home, and other ~~[non-medical]~~ nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Telehealth” means the use of telecommunications services, as defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the health care provider is at a distant site. ~~[Standard]~~ Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or ~~[by itself, does]~~ alone, do not constitute [a] telehealth [service for the purposes of this section.] services.”

SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes, is amended to read as follows:

1. By amending subsections (a) through (c) to read:

“(a) It is the intent of the legislature to recognize the application of telehealth as a reimbursable service by which an individual shall receive medical services from a health care provider without ~~[face-to-face]~~ in-person contact with the health care provider.

(b) No accident and health or sickness insurance plan that is issued, amended, or renewed shall require ~~[face-to-face]~~ in-person contact between a health care provider and a patient as a prerequisite for payment for services appropriately provided through telehealth in accordance with generally accepted health care practices and standards prevailing in the applicable professional community at the time the services were provided. The coverage required in this section may be subject to all terms and conditions of the plan agreed upon among the enrollee or subscriber, the insurer, and the health care provider.

(c) Reimbursement for services provided through telehealth via an interactive telecommunications system shall be equivalent to reimbursement for the same services provided via ~~[face-to-face]~~ in-person contact between a health care provider and a patient~~[;]~~; provided that reimbursement for two-way, real-time audio-only communication technology for purposes of diagnosis, evaluation, or treatment of a mental health disorder to a patient in the patient’s home shall be equivalent to eighty per cent of the reimbursement for the same services provided via in-person contact between a health care provider and a patient. To be reimbursed for telehealth via an interactive telecommunications system using two-way, real-time audio-only communication technology in accordance with this subsection, the health care provider shall first conduct an in-person visit or a telehealth visit that is not audio only, within six months prior to the initial audio-only visit, or within twelve months prior to any subsequent audio-only visit. The telehealth visit required prior to the initial or subsequent audio-only visit in this subsection shall not be provided using audio-only communication. Nothing in this section shall require a

health care provider to be physically present with the patient at an originating site unless a health care provider at the distant site deems it necessary.”

2. By amending subsection (g) to read:

“(g) For the purposes of this section:

“Distant site” means the location of the health care provider delivering services through telehealth at the time the services are provided.

“Health care provider” means a provider of services, as defined in title 42 United States Code section 1395x(u), a provider of medical and other health services, as defined in title 42 United States Code section 1395x(s), other practitioners licensed by the State and working within their scope of practice, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business, including but not limited to primary care providers, mental health providers, oral health providers, physicians and osteopathic physicians licensed under chapter 453, advanced practice registered nurses licensed under chapter 457, psychologists licensed under chapter 465, and dentists licensed under chapter 448.

“Interactive telecommunications system” has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a health care provider through telehealth, including but not limited to a health care provider’s office, hospital, health care facility, a patient’s home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Telehealth” means the use of telecommunications services, as defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the health care provider is at a distant site. [Standard] Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or [by itself, does] alone, do not constitute [a] telehealth [service for the purposes of this chapter.] services.”

SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes, is amended to read as follows:

1. By amending subsections (a) through (c) to read:

“(a) It is the intent of the legislature to recognize the application of telehealth as a reimbursable service by which an individual shall receive medical services from a health care provider without [face-to-face] in-person contact with the health care provider.

(b) No mutual benefit society plan that is issued, amended, or renewed shall require [face-to-face] in-person contact between a health care provider and a patient as a prerequisite for payment for services appropriately provided through telehealth in accordance with generally accepted health care practices and standards prevailing in the applicable professional community at the time the services were provided. The coverage required in this section may be subject to all terms and conditions of the plan agreed upon among the enrollee or subscriber, the mutual benefit society, and the health care provider.

(c) Reimbursement for services provided through telehealth via an interactive telecommunications system shall be equivalent to reimbursement for the same services provided via ~~[face-to-face]~~ in-person contact between a health care provider and a patient~~[-];~~ provided that reimbursement for two-way, real-time audio-only communication technology for purposes of diagnosis, evaluation, or treatment of a mental health disorder to a patient in the patient's home shall be equivalent to eighty per cent of the reimbursement for the same services provided via in-person contact between a health care provider and a patient. To be reimbursed for telehealth via an interactive telecommunications system using two-way, real-time audio-only communication technology in accordance with this subsection, the health care provider shall first conduct an in-person visit or a telehealth visit that is not audio only, within six months prior to the initial audio-only visit, or within twelve months prior to any subsequent audio-only visit. The telehealth visit required prior to the initial or subsequent audio-only visit in this subsection shall not be provided using audio-only communication. Nothing in this section shall require a health care provider to be physically present with the patient at an originating site unless a health care provider at the distant site deems it necessary.

2. By amending subsection (g) to read:

“(g) For the purposes of this section:

“Health care provider” means a provider of services, as defined in title 42 United States Code section 1395x(u), a provider of medical and other health services, as defined in title 42 United States Code section 1395x(s), other practitioners licensed by the State and working within their scope of practice, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business, including but not limited to primary care providers, mental health providers, oral health providers, physicians and osteopathic physicians licensed under chapter 453, advanced practice registered nurses licensed under chapter 457, psychologists licensed under chapter 465, and dentists licensed under chapter 448.

“Interactive telecommunications system” has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a health care provider through telehealth, including but not limited to a health care provider's office, hospital, health care facility, a patient's home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Telehealth” means the use of telecommunications services, as defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the health care provider is at a distant site. ~~[Standard]~~ Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or ~~[by itself, does]~~ alone, do not constitute [a] telehealth [service for the purposes of this chapter:] services.

SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is amended to read as follows:

1. By amending subsection (a) through (c) to read:

“(a) It is the intent of the legislature to recognize the application of telehealth as a reimbursable service by which an individual shall receive medical services from a health care provider without ~~[face-to-face]~~ in-person contact with the health care provider.

(b) No health maintenance organization plan that is issued, amended, or renewed shall require ~~[face-to-face]~~ in-person contact between a health care provider and a patient as a prerequisite for payment for services appropriately provided through telehealth in accordance with generally accepted health care practices and standards prevailing in the applicable professional community at the time the services were provided. The coverage required in this section may be subject to all terms and conditions of the plan agreed upon among the enrollee or subscriber, the health maintenance organization, and the health care provider.

(c) Reimbursement for services provided through telehealth via an interactive telecommunications system shall be equivalent to reimbursement for the same services provided via ~~[face-to-face]~~ in-person contact between a health care provider and a patient[-]; provided that reimbursement for two-way, real-time audio-only communication technology for purposes of diagnosis, evaluation, or treatment of a mental health disorder to a patient in the patient's home shall be equivalent to eighty per cent of the reimbursement for the same services provided via in-person contact between a health care provider and a patient. To be reimbursed for telehealth via an interactive telecommunications system using two-way, real-time audio-only communication technology in accordance with this subsection, the health care provider shall first conduct an in-person visit or a telehealth visit that is not audio only, within six months prior to the initial audio-only visit, or within twelve months prior to any subsequent audio-only visit. The telehealth visit required prior to the initial or subsequent audio-only visit in this subsection shall not be provided using audio-only communication. Nothing in this section shall require a health care provider to be physically present with the patient at an originating site unless a health care provider at the distant site deems it necessary.”

2. By amending subsection (g) to read:

“(g) For the purposes of this section:

“Distant site” means the location of the health care provider delivering services through telehealth at the time the services are provided.

“Health care provider” means a provider of services, as defined in title 42 United States Code section 1395x(u), a provider of medical and other health services, as defined in title 42 United States Code section 1395x(s), other practitioners licensed by the State and working within their scope of practice, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business, including but not limited to primary care providers, mental health providers, oral health providers, physicians and osteopathic physicians licensed under chapter 453, advanced practice registered nurses licensed under chapter 457, psychologists licensed under chapter 465, and dentists licensed under chapter 448.

“Interactive telecommunications system” has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a health care provider through telehealth, including but not limited to a health care provider's office, hospital, health care facility, a patient's home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Telehealth” means the use of telecommunications services, as defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the health care provider is at a distant site. ~~[Standard]~~ Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or [by itself, does] alone, do not constitute [a] telehealth [service for the purposes of this chapter.] services.”

SECTION 6. Section 453-1.3, Hawaii Revised Statutes, is amended to read as follows:

1. By amending subsection (c) to read:

“(c) Treatment recommendations made via telehealth, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional physician-patient settings that do not include a ~~[face-to-face]~~ in-person visit but in which prescribing is appropriate, including on-call telephone encounters and encounters for which a follow-up visit is arranged. Issuing a prescription based solely on an online questionnaire is not treatment for the purposes of this section and does not constitute an acceptable standard of care. For the purposes of prescribing opiates or certifying a patient for the medical use of cannabis, a physician-patient relationship shall only be established after an in-person consultation between the prescribing physician and the patient.”

2. By amending subsection (h) to read:

“(h) ~~[Reimbursement]~~ Unless otherwise provided by law, reimbursement for behavioral health services provided through telehealth via an interactive telecommunications system shall be equivalent to reimbursement for the same services provided via [face-to-face] in-person contact between a health care provider and a patient[:]; provided that reimbursement for two-way, real-time audio-only communication technology for purposes of diagnosis, evaluation, or treatment of a mental health disorder to a patient in the patient’s home shall be equivalent to eighty per cent of the reimbursement for the same services provided via in-person contact between a health care provider and a patient. To be reimbursed for telehealth via an interactive telecommunications system using two-way, real-time audio-only communication technology in accordance with this subsection, the health care provider shall first conduct an in-person visit or a telehealth visit that is not audio only, within six months prior to the initial audio-only visit, or within twelve months prior to any subsequent audio-only visit. The telehealth visit required prior to the initial or subsequent audio-only visit in this subsection shall not be provided using audio-only communication.”

3. By amending subsection (j) to read:

“(j) For the purposes of this section:

“Distant site” means the location of the physician delivering services through telehealth at the time the services are provided.

“Interactive telecommunications system” has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a physician through telehealth, including but not limited to a physician’s office,

hospital, health care facility, a patient's home, and other non-medical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Telehealth” means the use of telecommunications as ~~[that term is]~~ defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purposes of: delivering enhanced health care services and information while a patient is at an originating site and the physician is at a distant site; establishing a physician-patient relationship; evaluating a patient; or treating a patient. Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or alone, do not constitute telehealth services.”

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 on December 31, 2025, this Act shall be repealed and sections 346-59.1, 431:10A-116.3, 432:1-601.5, 432D-23.5, and 453-1.3, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.

(Approved June 22, 2023.)

ACT 108

H.B. NO. 1082

A Bill for an Act Relating to Medical Cannabis.

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

SECTION 1. Section 329-121, Hawaii Revised Statutes, is amended by amending the definition of “written certification” to read as follows:

““Written certification” means the qualifying patient’s medical records or a statement signed by a qualifying patient’s physician or advanced practice registered nurse, stating that in the physician’s or advanced practice registered nurse’s professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the medical use of cannabis would likely outweigh the health risks for the qualifying patient. The department of health may require, through its rulemaking authority, that all written certifications comply with a designated form. “Written certifications” are valid for one year from the time of signing; provided that the department of health may allow for the validity of any written certification for ~~up to~~ three years if the qualifying patient’s physician or advanced practice registered nurse states that the patient’s debilitating medical condition is chronic in nature.”

SECTION 2. Section 329D-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Waiting room” means a designated area at the public entrance of a retail dispensing location that may be accessed by a member of the general public who

is waiting for, assisting, or accompanying a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient who enters or remains on the premises of a retail dispensing location for the purpose of a transaction conducted pursuant to sections 329D-6 and 329D-13; provided that the storage, display, and retail sale of cannabis and manufactured cannabis products shall be prohibited within the waiting room area.”

2. By amending the definition of “manufactured cannabis product” to read:

““Manufactured cannabis product” means [any]:

- (1) Any capsule, lozenge, oil or oil extract, tincture, ointment or skin lotion, pill, transdermal patch, or pre-filled and sealed container used to aerosolize and deliver cannabis orally[-] or by inhalation, such as an inhaler [øf], nebulizer, or device that provides safe pulmonary administration, that has been manufactured using cannabis[-];
- (2) Edible cannabis products;
- (3) Pre-rolled cannabis flower products; or [any]
- (4) Any other products as specified by the department pursuant to section 329D-10(a)(11).”

SECTION 3. Section 329D-6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (o) to read:

“(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~~] one or two signs, each 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.”

2. By amending subsection (r) to read:

“(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 94;~~] section 329D-27; 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, or other amounts with prior approval by the department, 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 4. 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, set by rules adopted pursuant to chapter 91, for:
 - (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 and renewals for each additional production center; and
 - (C) Dispensary-to-dispensary sales authorized by section 329D-6(r); provided that no designated fee shall increase by more than two and one-half per cent annually;
- (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; and
 - (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 recording 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 cannabis 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~~[-]; and~~
- (19) Security requirements and restrictions regarding waiting rooms, including but not limited to:
- (A) Security measures to prevent unauthorized access to any area within the retail dispensing location outside of the waiting room;
- (B) Restrictions on marketing and advertising within the waiting room;
- (C) Restrictions on signage within the waiting room; and
- (D) Other reasonable security measures or restrictions as deemed necessary by the department.”

SECTION 5. Section 329D-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The types of medical cannabis products that may be manufactured and distributed pursuant to this chapter shall be limited to:

- (1) Capsules;
- (2) Lozenges;
- (3) Pills;
- (4) Oils and oil extracts;
- (5) Tinctures;
- (6) Ointments and skin lotions;
- (7) Transdermal patches;
- (8) Pre-filled and sealed containers used to aerosolize and deliver cannabis orally~~[-]~~ or by inhalation, such as ~~[with]~~ an inhaler ~~[or]~~, nebulizer~~[-]~~, or device that provides safe pulmonary administration; provided that ~~[containers]~~:

- (A) Containers need not be manufactured by the licensed dispensary but shall be filled with cannabis, cannabis oils, or cannabis extracts manufactured by the licensed dispensary~~;~~ or purchased from another dispensary pursuant to section 329D-6(r); but shall not contain nicotine, tobacco-related products, or any other non-cannabis derived products; and [shall be designed to be used with devices used to provide safe pulmonary administration of manufactured cannabis products;
- (9) ~~Devices]~~
- (B) For devices that provide safe pulmonary administration ~~;~~ provided that:
- ~~[(A)]~~ (i) The heating element of the device, if any, [is] shall be made of inert materials such as glass, ceramic, or stainless steel, and not of plastic or rubber;
- ~~[(B)]~~ (ii) The device [is] shall be distributed solely for use with single-use, pre-filled, tamper-resistant, sealed containers that do not contain nicotine or other tobacco products;
- ~~[(C)]~~ The device is used to aerosolize and deliver cannabis by inhalation, such as an inhaler, medical-grade nebulizer, or other similar medical-grade volatilization device;
- ~~[(D)]~~ (iii) There [is] shall be a temperature control on the device that is regulated to prevent the combustion of cannabis oil; and
- ~~[(E)]~~ (iv) The device need not be manufactured by the licensed dispensary;
- (9) Pre-rolled cannabis flower products, as specified by the department;
- (10) ~~[Other products, including edible]~~ Edible cannabis products, as specified by the department; and
- (11) Other products as specified by the department.”

SECTION 6. Section 329D-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall establish standards regarding the advertising and packaging of cannabis and manufactured cannabis products; provided that the standards, at a minimum, shall require the use of packaging that:

- (1) Is child-resistant and opaque so that the product cannot be seen from outside the packaging;
- (2) Uses only ~~[black]~~ lettering in colors approved by the department on a white background with no pictures or graphics;
- (3) Is clearly labeled with the phrase “For medical use only”;
- (4) Is clearly labeled with the phrase “Not for resale or transfer to another person”;
- (5) Includes instructions for use and “use by date”;
- (6) Contains information about the contents and potency of the product;
- (7) Includes the name of the production center where cannabis in the product was produced, including the batch number and date of packaging;
- (8) Includes a barcode generated by tracking software; and
- (9) In the case of a manufactured cannabis product, includes a:
 - (A) Listing of the equivalent physical weight of the cannabis used to manufacture the amount of the product that is within the packaging, pursuant to section 329D-9(c);
 - (B) Clearly labeled warning stating that the product:
 - (i) Is a medication that contains cannabis, and is not a food; and
 - (ii) Should be kept away from children; and
 - (C) Date of manufacture.”

SECTION 7. Section 329D-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The following shall be subject to background checks conducted by the department or its designee, including but not limited to criminal history record checks in accordance with section 846-2.7:

- (1) Each applicant and licensee for a medical cannabis dispensary license, including the individual applicant and all officers, directors, members of a limited liability corporation; shareholders with at least twenty-five per cent or more ownership interest in a corporation; and managers of an entity applicant;
- (2) Each employee of a medical cannabis dispensary;
- (3) Each employee of a subcontracted production center or retail dispensing location;
- (4) All officers, directors, members of a limited liability corporation; and shareholders with at least twenty-five per cent or more ownership interest in a corporate owner of a subcontracted production center or retail dispensing location; and
- (5) Any person permitted to enter and remain in a ~~[dispensary facility]~~ retail dispensing location or production center pursuant to section 329D-15(a)(4) or 329D-16(a)(3).

The person undergoing the background check shall provide written consent and all applicable processing fees to the department or its designee to conduct the background checks.”

SECTION 8. Section 329D-15, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No person shall intentionally or knowingly enter or remain upon the premises of a medical cannabis retail dispensing location unless the individual is:

- (1) An individual licensee or registered employee of the dispensary;
- (2) A qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient;
- (3) A government employee or official acting in the person’s official capacity; or
- (4) Previously included on a current department-approved list provided to the department by the licensee of those persons who are allowed into that ~~[dispensary’s facilities]~~ retail dispensing location for a specific purpose for that ~~[dispensary;]~~ retail dispensing location including but not limited to construction, maintenance, repairs, legal counsel, providers of paratransit or other assistive services required by a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient to access a retail ~~[dispensary]~~ dispensing location, or investors; provided that:
 - (A) The person has been individually approved by the department to be included on the list;
 - (B) The person is at least twenty-one years of age, as verified by a valid government issued identification card;
 - (C) The department has confirmed that the person has no felony convictions;
 - (D) The person is escorted by an individual licensee or registered employee of the dispensary at all times while in the ~~[dispensary facility;]~~ retail dispensing location; provided that construction and maintenance personnel who are not normally engaged in the business of cultivating, processing, or selling medical cannabis need not be accompanied on a full-time basis, but shall

be reasonably monitored by an individual licensee or registered employee of the dispensary while in areas not containing any cannabis or manufactured cannabis products;

- (E) The person is only permitted within those portions of the [~~dispensary facility~~] retail dispensing location as necessary to fulfill the person's purpose for entering;
- (F) The person is only permitted within the [~~dispensary facility~~] retail dispensing location during the times and for the duration necessary to fulfill the person's purpose for entering;
- (G) The dispensary shall keep an accurate record of each person's first and last name, date and times upon entering and exiting the [~~dispensary facility;~~] retail dispensing location, purpose for entering, and the identity of the escort; and
- (H) The approved list shall be effective for one year from the date of the department approval~~[-]~~;

provided that a member of the general public may enter or remain within the waiting room of a retail dispensing location.

(b) No individual licensee or registered employee of a medical cannabis dispensary with control over or responsibility for a retail dispensing location shall intentionally or knowingly allow another to enter or remain upon the premises of the retail dispensing location, unless the other is permitted to enter and remain as specified in subsection (a)~~[-]~~, except in an emergency situation to repair infrastructure at a retail dispensing location by a person not on the department-approved list; provided that the repair worker shall be escorted at all times, and the licensee shall notify the department of the use of this individual immediately."

SECTION 9. Section 329D-16, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No person shall intentionally or knowingly enter or remain upon the premises of a medical cannabis production center unless the person is:

- (1) An individual licensee or registered employee of the production center;
- (2) A government employee or official acting in the person's official capacity; or
- (3) Previously included on a current department-approved list provided to the department by the licensee of those persons who are allowed into that [~~dispensary's facilities~~] production center for a specific purpose for that [~~dispensary;~~] production center, including but not limited to construction, maintenance, repairs, legal counsel, or investors; provided that:
 - (A) The person has been individually approved by the department to be included on the list;
 - (B) The person is at least twenty-one years of age, as verified by a valid government issued identification card;
 - (C) The department has confirmed that the person has no felony convictions;
 - (D) The person is escorted by an individual licensee or registered employee of the [~~dispensary~~] production center at all times while in the [~~dispensary facility;~~] production center; provided that construction and maintenance personnel not normally engaged in the business of cultivating, processing, or selling medical cannabis need not be accompanied on a full-time basis, but shall be reasonably monitored by an individual licensee or

- registered employee of the production center while in areas not containing any cannabis or manufactured cannabis products;
- (E) The person is only permitted within those portions of the [dispensary facility] production center as necessary to fulfill the person's purpose for entering;
 - (F) The person is only permitted within the [dispensary facility] production center during the times and for the duration necessary to fulfill the person's purpose for entering;
 - (G) The [dispensary] production center shall keep an accurate record of each person's identity, date and times upon entering and exiting the [dispensary facility,] production center, purpose for entering, and the identity of the escort; and
 - (H) The approved list shall be effective for one year from the date of department approval.

(b) No individual licensee or registered employee of a medical cannabis dispensary with control over or responsibility for a production center shall intentionally or knowingly allow another to enter or remain upon the premises of the production center, unless the other is permitted to enter and remain as specified in subsection (a)[-], except in an emergency situation to repair infrastructure at a production center by a person not on the department-approved list; provided that the repair worker shall be escorted at all times, and the licensee shall notify the department of the use of this individual immediately."

SECTION 10. Section 329D-21, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any person who violates any of the provisions of this chapter or the rules adopted pursuant thereto shall be fined not less than \$100 nor more than \$1,000 for each [violation.] separate violation. Each day on which a violation occurs or continues shall be counted as a separate violation."

SECTION 11. Section 329D-26, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department, in conjunction with medical cannabis dispensaries and physicians and advanced practice registered nurses who issue written certifications pursuant to section 329-123, shall conduct a continuing education and training program to explain and clarify the purposes and requirements of this chapter or to provide substance abuse prevention and education. The program shall target community partner agencies, physicians and other health care providers, patients and caregivers, law enforcement agencies, law and policy makers, and the general public. The program shall include, at minimum, education and outreach regarding:

- (1) The updated, publicly-available list of medical cannabis dispensaries, physicians, and other health care providers participating in the program under this chapter;
- (2) Lawful activities, unlawful activities, and applicable penalties for a medical cannabis dispensary, qualifying patient, primary caregiver, qualifying out-of-state patient, caregiver of a qualifying out-of-state patient, and other entity performing related activities; and
- (3) The methods and associated requirements for a medical cannabis dispensary, qualifying patient, primary caregiver, or other entity to produce cannabis and manufactured cannabis products, as applicable."

SECTION 12. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

ACT 109

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 14. This Act shall take effect on July 1, 2023.

(Approved June 22, 2023.)

ACT 109

H.B. NO. 1369

A Bill for an Act Relating to Nursing Facilities.

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

SECTION 1. The legislature finds that the nursing facility sustainability program was established in 2012 and has served a critical role in strengthening the long-term care system in the State. In the eleven years since its inception, the nursing facility sustainability program has helped long-term care facilities treat the most vulnerable patients in the State, especially low-income individuals who require these services. The program has been carried out in a public-private partnership to ensure that patients in the State can access quality, affordable care.

The legislature further finds that, even with this program, nursing facilities in the State face major challenges. These challenges are due in part to the health and financial pressures related to the ongoing coronavirus disease 2019 pandemic. Medicaid is jointly financed by the federal and state governments by statutory formula whereby the federal government pays between fifty per cent and seventy-four per cent, with assistance levels determined by each state's per capita income. States with the lowest per capita income relative to the national average receive higher federal matching rates. Under federal rules, the state share must be public funds that are not federal funds. The legislature finds that public funding to help financially sustain Hawaii's nursing facilities should continue to be assessed through the nursing facility sustainability program's provider fee, which is currently scheduled to repeal in 2024.

The legislature further finds that provider fees exist in forty-nine states and the District of Columbia as a means of drawing down federal funds to sustain their medicaid programs, increase the number of health care providers, and expand medicaid enrollment. Provider fees, which are collected from specific categories of health care providers, may be imposed on different classes of health care services, including inpatient and outpatient hospital and nursing facility services.

The legislature also finds that a provider fee on nursing facilities in the State has resulted in a substantial increase in medicaid payments without putting additional constraints on the State's budget. The additional federal funds obtained via the nursing facility sustainability program have also maintained access to care for medicaid recipients. This has allowed nursing facilities in the State to continue to serve under- or uninsured patients in a timely, effective manner, and helped to ensure the overall sustainability of the health care system in the State.

Therefore, the purpose of this Act is to preserve access to health care for medicaid recipients and strengthen the nursing sustainability program by:

- (1) Repealing the sunset dates of Act 156, Session Laws of Hawaii 2012, and Act 124, Session Laws of Hawaii 2014, thereby making the program permanent and permanently exempting the nursing facility sustainability program special fund from the central service and administrative expenses assessments;

- (2) Making various amendments to the nursing facility sustainability program and nursing facility sustainability program special fund;
- (3) Repealing the nursing facility tax; and
- (4) Appropriating funds out of the nursing facility sustainability program special fund.

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)~~] 237-24.7(5)--Amounts received from insurers for damage or loss of inventory of businesses located in a natural disaster area;
- (5) Section [~~237-24.7(7)~~] 237-24.7(6)--Amounts received by community organizations, school booster clubs, and nonprofit organizations for precinct and other election-related activities;
- (6) Section [~~237-24.7(8)~~] 237-24.7(7)--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)~~] 237-24.7(8)--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)~~] 237-24.7(9)--Amounts received from technology research and development grants.”

SECTION 3. Section 237-24.7, Hawaii Revised Statutes, is amended to read as follows:

“**§237-24.7 Additional amounts not taxable.** In addition to the amounts not taxable under section 237-24, this chapter shall not apply to:

- (1) Amounts received by the operator of a hotel from the owner of the hotel or from a time share association, and amounts received by the suboperator of a hotel from the owner of the hotel, from a time share association, or from the operator of the hotel, in amounts equal to and [~~which~~] that are disbursed by the operator or suboperator for employee wages, salaries, payroll taxes, insurance premiums, and benefits, including retirement, vacation, sick pay, and health benefits. As used in this paragraph:

“Employee” means employees directly engaged in the day-to-day operation of the hotel and employed by the operator or suboperator.

“Hotel” means an operation as defined in section 445-90 or a time share plan as defined in section 514E-1.

“Operator” means any person who, pursuant to a written contract with the owner of a hotel or time share association, operates or manages the hotel for the owner or time share association.

“Owner” means the fee owner or lessee under a recorded lease of a hotel.

“Suboperator” means any person who, pursuant to a written contract with the operator, operates or manages the hotel as a sub-contractor of the operator.

“Time share association” means an “association” as that term is defined in section 514E-1;

- (2) Amounts received by the operator of a county transportation system operated under an operating contract with a political subdivision, where the political subdivision is the owner of the county transportation system. As used in this paragraph:

“County transportation system” means a mass transit system of motorized buses providing regularly scheduled transportation within a county.

“Operating contract” or “contract” means a contract to operate and manage a political subdivision’s county transportation system, which provides that:

- (A) The political subdivision shall exercise substantial control over all aspects of the operator’s operation;
- (B) The political subdivision controls the development of transit policy, service planning, routes, and fares; and
- (C) The operator develops in advance a draft budget in the same format as prescribed for agencies of the political subdivision. The budget must be subject to the same constraints and controls regarding the lawful expenditure of public funds as any public sector agency, and deviations from the budget must be subject to approval by the appropriate political subdivision officials involved in the budgetary process.

“Operator” means any person who, pursuant to an operating contract with a political subdivision, operates or manages a county transportation system.

“Owner” means a political subdivision that owns or is the lessee of all the properties and facilities of the county transportation system (including buses, real estate, parking garages, fuel pumps, maintenance equipment, office supplies, etc.), and that owns all revenues derived therefrom;

- (3) Surcharge taxes on rental motor vehicles imposed by chapter 251 and passed on and collected by persons holding certificates of registration under that chapter;
- (4) Amounts received by the operator of orchard properties from the owner of the orchard property in amounts equal to and ~~which~~ that are disbursed by the operator for employee wages, salaries, payroll taxes, insurance premiums, and benefits, including retirement, vacation, sick pay, and health benefits. As used in this paragraph:

“Employee” means an employee directly engaged in the day-to-day operations of the orchard properties and employed by the operator.

“Operator” means a producer who, pursuant to a written contract with the owner of the orchard property, operates or manages the orchard property for the owner where the property contains an area sufficient to make the undertaking economically feasible.

“Orchard property” means any real property that is used to raise trees with a production life cycle of fifteen years or more producing fruits or nuts having a normal period of development from the initial planting to the first commercially saleable harvest of not less than three years.

“Owner” means a fee owner or lessee under a recorded lease of orchard property;

- ~~[(5) Taxes on nursing facility income imposed by chapter 346E and passed on and collected by operators of nursing facilities;~~
- ~~[(6) (5) Amounts received under property and casualty insurance policies for damage or loss of inventory used in the conduct of a trade or business located within the State or a portion thereof that is declared a natural disaster area by the governor pursuant to section 209-2;~~
- ~~[(7) (6) Amounts received as compensation by community organizations, school booster clubs, and nonprofit organizations under a contract with the chief election officer for the provision and compensation of precinct officials and other election-related personnel, services, and activities, pursuant to section 11-5;~~
- ~~[(8) (7) Interest received by a person domiciled outside the State from a trust company (as defined in section 412:8-101) acting as payment agent or trustee on behalf of the issuer or payees of an interest bearing instrument or obligation, if the interest would not have been subject to tax under this chapter if paid directly to the person domiciled outside the State without the use of a paying agent or trustee; provided that if the interest would otherwise be taxable under this chapter if paid directly to the person domiciled outside the State, it shall not be exempt solely because of the use of a Hawaii trust company as a paying agent or trustee;~~
- ~~[(9) (8) Amounts received by a management company from related entities engaged in the business of selling interstate or foreign common carrier telecommunications services in amounts equal to and ~~[which] that~~ are disbursed by the management company for employee wages, salaries, payroll taxes, insurance premiums, and benefits, including retirement, vacation, sick pay, and health benefits. As used in this paragraph:~~
- ~~“Employee” means employees directly engaged in the day-to-day operation of related entities engaged in the business of selling interstate or foreign common carrier telecommunications services and employed by the management company.~~
- ~~“Management company” means any person who, pursuant to a written contract with a related entity engaged in the business of selling interstate or foreign common carrier telecommunications services, provides managerial or operational services to that entity.~~
- ~~“Related entities” means:~~
- ~~(A) An affiliated group of corporations within the meaning of section 1504 (with respect to affiliated group defined) of the federal Internal Revenue Code of 1986, as amended;~~
 - ~~(B) A controlled group of corporations within the meaning of section 1563 (with respect to definitions and special rules) of the federal Internal Revenue Code of 1986, as amended;~~
 - ~~(C) Those entities connected through ownership of at least eighty per cent of the total value and at least eighty per cent of the total voting power of each ~~[such]~~ entity (or combination thereof), including partnerships, associations, trusts, S corporations, nonprofit corporations, limited liability partnerships, or limited liability companies; and~~
 - ~~(D) Any group or combination of the entities described in paragraph (C) constituting a unitary business for income tax purposes;~~

whether or not the entity is located within or without the State or licensed under this chapter; and

[(10)] (9) Amounts received as grants under section 206M-15.”

SECTION 4. Section 346D-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There may be established a monthly needs allowance for individuals living in:

- (1) Adult residential care home type I and type II facilities;
- (2) Licensed developmental disabilities domiciliary homes as defined in section 321-15.9;
- (3) Community care foster family homes as defined in section 321-481;
- (4) Certified adult foster homes as defined in section 321-11.2;
- (5) Domiciliary care as defined in section 346-1;
- (6) A nursing facility [~~as defined in section 346E-1~~]; or
- (7) A community-based residence as part of the residential alternatives community care program.”

SECTION 5. Section 346F-2, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§346F-2]]~~ **Findings and declaration of necessity.** It is the intent of the legislature to establish a special fund within the state treasury to receive revenue from the imposition of a nursing facility sustainability fee to be administered by the department, which shall use the revenue from the fee and associated federal medicaid matching funds exclusively to make payments to nursing facilities and for other purposes as set forth in this chapter.”

SECTION 6. Section 346F-4, Hawaii Revised Statutes, is amended by amending subsections (b) through (d) to read as follows:

“(b) Moneys in the special fund shall consist of:

- (1) All revenues collected or received by the department from the nursing facility sustainability fee as required by this chapter;
- [(2)] ~~All federal medicaid funds received by the department as a result of matching expenditures made with the nursing facility sustainability fees;~~
- [(3)] (2) Any interest or penalties levied in conjunction with the administration of this chapter; and
- [(4)] (3) Any designated appropriations, federal funds, donations, gifts, or moneys from any other sources.

(c) Revenue from the nursing facility sustainability fee shall be used exclusively as follows:

- (1) No less than eighty-eight per cent of the revenue from the nursing facility sustainability fee shall be used for one or more of the following:
 - (A) To match federal medicaid funds, with the combined total to be used to enhance capitated rates to medicaid managed care health plans for the purpose of increasing medicaid payments to private nursing facilities to support the availability of services and ensure access to care for the medicaid managed care health plan enrollees; or
 - (B) To match federal medicaid funds, with the combined total to enhance capitated rates for the purpose of paying quality incentives; and

- (2) Twelve per cent of the revenue from the nursing facility sustainability fee may be used by the department for other departmental purposes~~[-and~~
- (3) ~~All moneys remaining in the special fund on June 30, 2024, shall be distributed to nursing facilities within thirty days in the same proportions as received from the nursing facilities].~~
- (d) The department shall utilize federal funds derived from state long-term care facility certified expenditures to make ~~[supplemental]~~ payments to state long-term care facilities to the extent permitted by federal law. The department may receive intergovernmental transfers from the state long-term care facilities to support ~~[direct supplemental]~~ payments and increased capitation rates to health plans for the benefit of the state long-term care facilities. During any period in which the nursing facility sustainability fee is in effect, certified expenditures of state long-term care facilities shall not be used to make or support ~~[direct]~~ payments to private nursing facilities.”

SECTION 7. Section 346F-5, Hawaii Revised Statutes, is amended by amending subsections (b) through (d) to read as follows:

“(b) The nursing ~~[facility]~~ sustainability fee shall be based on the ~~[net patient service revenue]~~ total resident days of all nursing facilities that are subject to the sustainability fee, as determined by the department.

(c) The nursing facility sustainability fee shall not exceed ~~[5-5]~~ six per cent of overall net patient service revenue and shall be calculated and paid on a per resident day basis, unless the facility qualifies for an exemption identified in subsection (d)(1). The facilities described in subsection (d)(2) shall pay a reduced daily fee compared to other facilities participating in the program.

(d) In accordance with the redistribution method set forth in title 42 Code of Federal Regulations section 433.68(e)(1) and (2), the department shall seek a waiver of the broad-based and uniformity provider fee requirements under federal law from which to exclude certain nursing facilities and to permit certain high volume medicaid nursing facilities or facilities with a high number of total annual patient days to pay the sustainability fee at a lesser amount per resident day, as follows:

- (1) The department shall exempt the following nursing facility providers from the nursing facility sustainability fee subject to federal approval under title 42 Code of Federal Regulations section 433.68(e)(2):
 - (A) Nursing facilities with twenty-eight or fewer licensed beds;
 - (B) Nursing facilities owned, operated by, or affiliated with the Hawaii health systems corporation; and
 - (C) Continuing care retirement communities~~[-];~~
- (2) The department shall reduce the fee for ~~[high volume medicaid nursing facilities or facilities with high patient volumes]~~ facilities with high medicaid resident days in order to meet the redistributive tests of title 42 Code of Federal Regulations section 433.68(e)(2)~~[-];~~ and
- (3) The department, ~~[with agreement by]~~ upon good faith consultation and negotiation with the nursing facility trade ~~[associations]~~ association located in ~~[Hawaii-]~~ the State, may modify, add to, or ~~[reduce the categories of]~~ exclude facilities ~~[exempt]~~ from the assessment if necessary to obtain and maintain approval of the waiver by the Centers for Medicare and Medicaid Services, if the modification, addition, or exclusion is consistent with the purposes of this chapter.”

SECTION 8. Section 346F-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

~~“(c) The department shall [collect and each nursing facility shall pay in twelve equal installments] impose the nursing facility sustainability fee [in section 346F-5 on a monthly basis, subject to the terms of this section. The fee shall be due within sixty days after the end of each month, with the initial payment due on the later of July 31, 2012, or forty-five days after the required federal approvals for the assessment and any increase in health plan capitation payments have been secured from the Centers for Medicare and Medicaid Services.] on a monthly basis, which a nursing facility shall pay no later than the sixtieth day after the end of the calendar month that the department imposed the fee; provided that if required federal approvals have not been secured by the end of a calendar month, the fees for that month shall be paid within ten days after the notification to the nursing facilities that the required approvals have been received.”~~

SECTION 9. Section 346F-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

~~“(a) If a nursing facility fails to pay the full amount of the nursing facility sustainability fee when due, there shall be added to the fee, unless waived by the department for reasonable cause, a penalty equal to two per cent of the fee that was not paid when due. Any subsequent payments shall be credited first to unpaid fee amounts [rather than to penalty or interest amounts,] beginning with the most delinquent installment[.], rather than to penalty or interest amounts.”~~

SECTION 10. Section 346F-10, Hawaii Revised Statutes, is amended to read as follows:

“§346F-10 Enhanced rates to medicaid managed care health plans. (a) In accordance with title 42 Code of Federal Regulations part 438, the department shall use revenues from the nursing facility sustainability fee and federal matching funds to enhance the capitated rates paid to medicaid managed care health plans ~~[for the period of July 1 through December 31, 2021, and calendar years 2022 and 2023,]~~ consistent with the following objectives:

- (1) ~~The [rate enhancement shall be used exclusively for increasing reimbursements to private nursing facilities to support the availability of services and to ensure access to care to the medicaid managed care health plan enrollees;]~~ department shall use moneys from the nursing facility sustainability program solely to fulfill the requirements of section 346F-4(c);
- (2) ~~The rate enhancement shall be [made part of the monthly capitated rates] paid by the department to medicaid managed care health plans, which shall provide documentation to the department and the nursing facility trade association located in [Hawaii] the State certifying that the revenues received under paragraph [(4)] (3) are used in accordance with this section;~~
- (3) The rate enhancement shall be used exclusively to increase reimbursements to private nursing facilities to support the availability of services and ensure access to care for medicaid managed care health plan enrollees;
- ~~[(3)]~~ (4) ~~The rate enhancement shall be actuarially sound and approved by the federal government for federal fund participation;~~
- ~~[(4)]~~ (5) ~~The department shall modify the fee-for-service reimbursement rates of the nursing facilities to recognize the medicaid portion of the nursing facility sustainability fee as an additional cost~~

- of serving medicaid patients, and to provide a uniform percentage increase in preexisting facility-specific rates; ~~and~~
- (5) (6) Payments made by the medicaid managed care health plans shall be made within thirty calendar days upon receipt of ~~[monthly capitation rates]~~ payment from the department~~[-]; and~~
- (7) Each medicaid managed care health plan shall expend one hundred per cent of any increased payments it receives under this section to carry out the goals of the nursing facility sustainability program.

(b) If federal approval pursuant to section 346F-7 is not received until after the end of any month for which the nursing facility sustainability fee is applicable, the department shall make the initial monthly payments within five days after receipt of the nursing facility sustainability fee for the respective month.

(c) To the extent the nursing facility sustainability program is not effective for the entire year, the nursing facility sustainability fee, the state medicaid expenses and administrative fee, and the corresponding payments to fulfill the requirements of section 346F-4(c) shall be based on the proportion of the fiscal year the program is in effect.”

SECTION 11. Section 346F-13, Hawaii Revised Statutes, is amended to read as follows:

“§346F-13 Termination. (a) Collection of the nursing facility sustainability fee under section 346F-5 shall be discontinued if:

- (1) The waiver in section 346F-7 or the enhanced capitation rates in section 346F-10 have not been approved by the Centers for Medicare and Medicaid Services;
- (2) The department reduces ~~[funding for nursing facility services below the state appropriation in effect on June 30, 2021;]~~ reimbursement rates for private nursing facility services to medicaid patients with the intention of using the sustainability funds to supplant the planned or permanent reduction in rates;
- (3) The department or any other state agency uses the money in the special fund for any use other than the uses permitted pursuant to this chapter; or
- (4) Federal financial participation to match the nursing facility sustainability fee becomes unavailable under federal law~~[- in such], in which~~ case, the department shall terminate the collection of the fee beginning on the effective date of the federal statutory, regulatory, or interpretive change.

(b) If ~~[collection of]~~ the nursing facility sustainability fee is discontinued ~~[as provided in this section], any [remaining] money remaining~~ in the nursing facility sustainability program special fund shall be ~~[returned]~~ distributed to the nursing facilities ~~[from which the fee was collected]~~ within [thirty days] six months of the date of discontinuation in the same proportions as received from the nursing facilities.”

SECTION 12. Chapter 346E, Hawaii Revised Statutes, is repealed.

SECTION 13. Act 156, Session Laws of Hawaii 2012, as amended by section 3 of Act 142, Session Laws of Hawaii 2013, as amended by section 2 of Act 124, Session Laws of Hawaii 2014, as amended by section 2 of Act 69, Session Laws of Hawaii 2015, as amended by section 2 of Act 59, Session Laws of Hawaii 2016, as amended by section 5 of Act 60, Session Laws of Hawaii 2017, as amended by section 6 of Act 163, Session Laws of Hawaii 2019, as

ACT 110

amended by section 7 of Act 24, Session Laws of Hawaii 2021, is amended by amending section 5 to read as follows:

~~“SECTION 5. This Act shall take effect on July 1, 2012[, and shall be repealed on December 31, 2023; provided that section 4, Hawaii Revised Statutes, established by section 2 of this Act, and the amendment made to section 36-30(a), Hawaii Revised Statutes, in section 3 of this Act, shall be repealed on June 30, 2024].”~~

SECTION 14. Act 124, Session Laws of Hawaii 2014, as amended by section 3 of Act 69, Session Laws of Hawaii 2015, as amended by section 3 of Act 59, Session Laws of Hawaii 2016, as amended by section 6 of Act 60, Session Laws of Hawaii 2017, as amended by section 7 of Act 163, Session Laws of Hawaii 2019, as amended by section 8 of Act 24, Session Laws of Hawaii 2021, is amended by amending section 7 to read as follows:

~~“SECTION 7. This Act shall take effect on June 29, 2014[; provided that:~~
~~(1) Section 5 shall take effect on July 1, 2014; and~~
~~(2) The amendments made to sections 36-27(a) and 36-30(a), Hawaii Revised Statutes, in sections 3 and 4 of this Act shall be repealed on June 30, 2024].”~~

SECTION 15. There is appropriated out of the nursing facility sustainability program special fund the sum of \$27,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for purposes consistent with section 346F-4, Hawaii Revised Statutes.

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

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; provided that sections 14 and 15 shall take effect on July 1, 2023.

(Approved June 22, 2023.)

ACT 110

S.B. NO. 404

A Bill for an Act Relating to the Hospital Sustainability Program.

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

SECTION 1. The legislature finds that the hospital sustainability program established in 2012 has served a critical role in strengthening Hawaii's health care system. In the eleven years since the program's inception, the hospital sustainability program has helped acute care facilities treat the State's most vulnerable patients, especially low-income individuals requiring hospital services. The program has been carried out in a public-private partnership to ensure patients in Hawaii have access to quality, affordable care.

The legislature further finds that, even with the program, hospitals in the State face major financial challenges. These challenges are due in part to the continuing health and financial pressures related to the coronavirus disease

2019 pandemic and health care workforce shortage. The federal and state governments jointly finance medicaid by statutory formula. The federal government pays between fifty per cent and seventy-four per cent, with a state's per capita income determining the percentage. States with lower per capita incomes relative to the national average receive higher federal matching rates. Federal rules mandate that a state must pay the state's share from public funds that are not federal funds.

The legislature further finds that provider fees exist in forty-nine states and the District of Columbia as a means of drawing down federal funds to sustain medicaid programs amid rising state budget deficits, increasing health care costs, and expanding medicaid enrollment. Provider fees, which are collected from and agreed to by specific categories of providers, may be imposed on nineteen different classes of health care services, including inpatient and outpatient hospital and nursing facility services. Public funding to help financially sustain Hawaii's hospitals should continue by assessing a provider fee through the hospital sustainability program, which is currently scheduled to be repealed in 2024.

The legislature therefore finds that, in Hawaii, a provider fee for hospitals has resulted in a substantial increase in medicaid payments without placing additional constraints on the State's budget. The additional federal funds obtained via the hospital sustainability program allow hospitals in the State to continue to serve uninsured or underinsured patients in a timely and effective manner, thereby maintaining access to care for medicaid recipients, and helping to ensure the overall sustainability of the health care system in Hawaii.

The purpose of this Act is to preserve access to health care for medicaid recipients and strengthen the hospital sustainability program by:

- (1) Amending the definition of "private hospital";
- (2) Clarifying the uses of the hospital sustainability program special fund;
- (3) Increasing the hospital sustainability fee cap for various facilities;
- (4) Requiring the department of human services to consult and negotiate with the hospital trade association in the State regarding hospital sustainability fee participation and rates;
- (5) Clarifying the circumstances under which the hospital sustainability fee shall be discontinued and the distribution of remaining funds;
- (6) Repealing the sunset dates of Act 217, Session Laws of Hawaii 2012, and Act 123, Session Laws of Hawaii 2014, thereby making the hospital sustainability program permanent and permanently exempting the hospital sustainability program from the central service and administrative expenses assessments; and
- (7) Appropriating funds out of the hospital sustainability program special fund.

SECTION 2. Section 346G-2, Hawaii Revised Statutes, is amended to read as follows:

“[§346G-2] Findings and declaration of necessity. It is the intent of the legislature to establish a special fund within the state treasury to receive revenue from the imposition of a hospital sustainability fee to be administered by the department of human services, which shall use the revenue from the fee and associated federal medicaid matching funds exclusively to make ~~direct~~ payments to hospitals and for other purposes as ~~set forth~~ described in this chapter.”

SECTION 3. Section 346G-3, Hawaii Revised Statutes, is amended by amending the definition of "private hospital" to read as follows:

““Private hospital” means all currently operating hospitals, except for hospitals that are:

- (1) Operated by or affiliated with the Hawaii health systems corporation; or
- (2) Charitable hospitals funded primarily through donations or other non-insurance sources of funding, and whose net patient revenue is less than ~~forty~~ fifty per cent of operating expenses, per the medic-aid cost report.”

SECTION 4. Section 346G-4, Hawaii Revised Statutes, is amended by amending subsections (b) through (d) to read as follows:

“(b) Moneys in the hospital sustainability program special fund shall consist of:

- (1) All ~~revenue~~ revenues collected or received by the department from the hospital sustainability fee~~;~~ as required by this chapter;
- ~~[(2) All federal medicaid funds received by the department as a result of matching expenditures made with the hospital sustainability fee;~~
- ~~[(3)]~~ (2) Any interest or penalties levied in conjunction with the administration of this chapter; and
- ~~[(4)]~~ (3) Any designated appropriations, federal funds, donations, gifts, or moneys from any other sources.

(c) Moneys in the hospital sustainability program special fund shall be used exclusively as follows:

- (1) No less than ninety per cent of the revenue from the hospital sustainability fee shall be used for one or more of the following purposes:
 - (A) To match federal medicaid funds, with the combined total to be used to enhance ~~[capitated rates]~~ payments to medicaid managed care health plans for the sole purpose of increasing medicaid payments to private hospitals;
 - (B) To match federal medicaid funds for Hawaii’s medicaid disproportionate share hospital allotment, as authorized by current federal law for private hospitals;
 - (C) To match federal medicaid funds for a private hospital upper payment limit pool; or
 - (D) To match federal medicaid funds with the combined total to be used to enhance ~~[capitated rates]~~ payments to medicaid managed care health plans for the purpose of increasing medicaid payments to private hospitals through quality or access incentive programs~~[-]; and~~
- (2) Ten per cent of the moneys in the hospital sustainability program special fund may be used by the department for other departmental purposes~~[-; and~~
- (3) ~~Any money remaining in the hospital sustainability program special fund six months after the repeal of this chapter, shall be distributed to hospitals within thirty days in the same proportions as received from the hospitals].~~

(d) The department shall use federal funds derived from state hospital certified expenditures to make ~~[supplemental]~~ payments to state hospitals and may receive intergovernmental transfers from the state hospitals to support ~~[direct supplemental]~~ payments and increased capitation rates to health plans for the benefit of the state hospitals. During any period in which the hospital sustainability fee is in effect, certified expenditures of state hospitals shall not be used to make or support ~~[direct]~~ payments to private hospitals.”

SECTION 5. Section 346G-5, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The hospital sustainability fee for inpatient care services may differ from the fee for outpatient care services but the fees charged to the hospital shall not in the aggregate exceed ~~[five and one-half]~~ six per cent of the hospital’s net patient service revenue. The inpatient hospital sustainability fee shall not exceed ~~[five and one-half]~~ six per cent of net inpatient hospital service revenue. The outpatient hospital sustainability fee shall not exceed ~~[five and one-half]~~ six per cent of net outpatient hospital service revenue. Each fee shall be the same percentage for all affected hospitals, subject to subsection (d).

(d) The department shall exempt federal hospitals and public hospitals from the hospital sustainability fees on inpatient services and outpatient care services.

Children’s hospitals, psychiatric hospitals, and rehabilitation hospitals may be assessed hospital sustainability fees on inpatient and outpatient services at a different rate than other private hospitals. The department ~~[may also exclude any facility from the hospital sustainability fee if it is determined that its exclusion is required to meet federal standards of approval.]~~ upon good faith consultation and negotiations with the hospital trade association located in the State, may modify, add to, or exclude facilities included in the assessment if necessary to obtain or maintain approval of the waiver by the Centers for Medicare and Medicaid Services, if the modification, addition, or exclusion is consistent with the purposes of this chapter.”

SECTION 6. Section 346G-6, Hawaii Revised Statutes, is amended to read as follows:

“**§346G-6 Hospital sustainability fee assessments.** (a) Hospitals shall pay the hospital sustainability fee to the department in accordance with this chapter. ~~[The fee shall be divided and paid in twelve equal installments on a monthly basis.]~~

~~(b) The department shall determine, upon good faith consultation and negotiations with the hospital trade association located in the State, the prospective fee rate for the applicable fiscal year.~~

~~[(b)] (c) The department shall [collect, and each hospital shall pay, if so required.] impose the hospital sustainability fee on a monthly basis. The hospital shall pay the hospital sustainability fee [no later than the sixtieth day] within sixty days after the end of [each] the calendar month[;] that the department imposed the fee; provided that if required federal approvals have not been secured by the end of a calendar month, the fees for that month shall be paid within ten days after notification to the hospitals that the required approvals have been received.”~~

SECTION 7. Section 346G-7, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§346G-7]]~~ **Federal approval.** The department shall seek waivers and any additional approvals from the Centers for Medicare and Medicaid Services that may be necessary to implement the hospital sustainability program~~[-]~~, including approval of the contracts between the State and medicaid managed care health plans.”

SECTION 8. Section 346G-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If a hospital fails to pay the full amount of any hospital sustainability fee when due, there shall be added to the fee, unless waived by the department for reasonable cause, a penalty equal to ~~[prime plus]~~ two per cent of the fee that was not paid when due. Any subsequent payments shall be credited first to

unpaid fee amounts beginning with the most delinquent installment rather than to penalty or interest amounts.”

SECTION 9. Section 346G-10, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:

“§346G-10 Private hospital payments through enhanced [rates] payments to medicaid managed care health plans. (a) The department shall use moneys ~~[solely]~~ from the hospital sustainability program special fund solely to fulfill the requirements of section 346G-4(c).

(b) In accordance with title 42 Code of Federal Regulations part 438, the department shall use revenues from the hospital sustainability fee and federal matching funds to enhance ~~[the capitated rates paid]~~ payments to medicaid managed care health plans ~~[for the period of July 1 through December 31, 2021, and calendar years 2022 and 2023]~~, consistent with the following objectives:

- (1) The ~~[rate enhancement]~~ enhanced payments shall be used exclusively ~~[for increasing]~~ to increase reimbursements to private hospitals, ~~[to]~~ support the availability of services, and ~~[to]~~ ensure access to care ~~[to the]~~ for medicaid managed care health plan enrollees;
- (2) The ~~[rate enhancement]~~ enhanced payments shall be ~~[made part of the monthly capitated rates]~~ paid by the department to medicaid managed care health plans, which shall provide documentation to the department and the hospital trade association located in ~~[Hawaii]~~ the State certifying that the revenues received under paragraph (1) are used in accordance with this section;
- (3) The ~~[rate enhancement]~~ enhanced payment rates shall be actuarially sound and approved by the federal government for federal fund participation;
- (4) The ~~[rate enhancements]~~ enhanced payment rates shall be retroactive to July 1, 2012, or the effective date approved by the federal government, whichever is later. Retroactive ~~[rate enhancements]~~ enhanced payment rates shall be paid within thirty days of notification by the Centers for Medicare and Medicaid Services to the department of all necessary approvals; ~~[and]~~
- (5) Payments made by the medicaid managed care health plans shall be made within thirty business days upon receipt of ~~[monthly capitation rates]~~ payment from the department~~[-]; and~~
- (6) Each managed care health plan shall expend one hundred per cent of any increased payments received under this section to carry out the goals of the hospital sustainability program.”

SECTION 10. Section 346G-12, Hawaii Revised Statutes, is amended to read as follows:

“§346G-12 Termination. (a) Collection of the hospital sustainability fee established by section 346G-5 shall be discontinued if:

- (1) The required federal approvals specified in section 346G-7 are not granted or are revoked by the Centers for Medicare and Medicaid Services;
- (2) The department reduces ~~[funding for hospital services below the state appropriation in effect as of July 1, 2021;]~~ reimbursement rates for private hospital services provided to medicaid patients, with the intent to use the sustainability funds to supplant the planned or permanent reduction in reimbursement rates;

- (3) The department or any other state agency uses the money in the hospital sustainability program special fund for any use other than the uses permitted by this chapter; or
 - (4) Federal financial participation to match the revenue from the hospital sustainability fee becomes unavailable under federal law; provided that the department shall terminate the imposition of the hospital sustainability fee beginning on the date the federal statutory, regulatory, or interpretive change takes effect.
- (b) If ~~[collection of]~~ the hospital sustainability fee is discontinued ~~[as provided in this section]~~, any remaining moneys in the hospital sustainability program special fund shall be distributed ~~[pursuant to section 346G-4(e)]~~ to hospitals within six months of the date of discontinuation in the same proportions as received from the hospitals.”

SECTION 11. Act 217, Session Laws of Hawaii 2012, as amended by section 2 of Act 141, Session Laws of Hawaii 2013, as amended by section 2 of Act 123, Session Laws of Hawaii 2014, as amended by section 2 of Act 70, Session Laws of Hawaii 2015, as amended by section 3 of Act 60, Session Laws of Hawaii 2016, as amended by section 5 of Act 59, Session Laws of Hawaii 2017, as amended by section 6 of Act 173, Session Laws of Hawaii 2019, as amended by section 7 of Act 38, Session Laws of Hawaii 2021, is amended by amending section 5 to read as follows:

“SECTION 5. This Act shall take effect on July 1, 2012~~], and shall be repealed on December 31, 2023; provided that section 4, Hawaii Revised Statutes, in section 2 of this Act, and the amendment to section 36-30(a), Hawaii Revised Statutes, in section 3 of this Act, shall be repealed on June 30, 2024.]~~”

SECTION 12. Act 123, Session Laws of Hawaii 2014, as amended by section 3 of Act 70, Session Laws of Hawaii 2015, as amended by section 4 of Act 60, Session Laws of Hawaii 2016, as amended by section 6 of Act 59, Session Laws of Hawaii 2017, as amended by section 7 of Act 173, Session Laws of Hawaii 2019, as amended by section 8 of Act 38, Session Laws of Hawaii 2021, is amended by amending section 7 to read as follows:

“SECTION 7. This Act shall take effect on June 29, 2014; provided that~~]:~~
~~(1) Section] section 5 shall take effect on July 1, 2014[; and~~
~~(2) The amendments made to sections 36-27(a) and 36-30(a), Hawaii Revised Statutes, in sections 3 and 4 of this Act shall be repealed on June 30, 2024.]~~”

SECTION 13. There is appropriated out of the hospital sustainability program special fund the sum of \$173,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the purposes of the hospital sustainability program.

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

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

SECTION 15. This Act shall take effect upon its approval; provided that section 13 of this Act shall take effect on July 1, 2023.

(Approved June 22, 2023.)

A Bill for an Act Relating to Health.

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

SECTION 1. Section 329-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Fentanyl test strip” means a small strip of paper that can detect the presence of fentanyl in:

- (1) Different kinds of drugs, including cocaine, methamphetamine, and heroin; and
- (2) Different drug forms, such as pills, powder, and injectable drugs.”

2. By amending the definition of “drug paraphernalia” to read: “Drug paraphernalia” means all equipment, products, and materials of any kind [which] that are used, primarily intended for use, or primarily designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. [H] Drug paraphernalia includes but is not limited to:

- (1) Kits used, primarily intended for use, or primarily designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant [which] that is a controlled substance or from which a prohibited controlled substance can be derived;
- (2) Kits used, primarily intended for use, or primarily designed for use in manufacturing, compounding, converting, producing, processing, or preparing prohibited controlled substances;
- (3) Isomerization devices used, primarily intended for use, or primarily designed for use in increasing the potency of any species of plant [which] that is a prohibited controlled substance;
- (4) Testing equipment used, primarily intended for use, or primarily designed for use in identifying, or in analyzing the strength, effectiveness, or purity of prohibited controlled substances;
- (5) Scales and balances used, primarily intended for use, or primarily designed for use in weighing or measuring prohibited controlled substances;
- (6) Diluents and adulterants; such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, primarily intended for use, or primarily designed for use in cutting prohibited controlled substances;
- (7) Separation gins and sifters used, primarily intended for use, or primarily designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, prohibited marijuana;
- (8) Blenders, bowls, containers, spoons, and mixing devices used, primarily intended for use, or primarily designed for use in compounding prohibited controlled substances;
- (9) Capsules, balloons, envelopes, and other containers used, primarily intended for use, or primarily designed for use in packaging small quantities of prohibited controlled substances;

- (10) Containers and other objects used, primarily intended for use, or primarily designed for use in storing or concealing prohibited controlled substances;
- (11) Hypodermic syringes, needles, and other objects used, primarily intended for use, or primarily designed for use in parenterally injecting prohibited controlled substances into the human body;
- (12) Objects used, primarily intended for use, or primarily designed for use in ingesting, inhaling, or otherwise introducing prohibited marijuana, cocaine, hashish, hashish oil, or methamphetamine into the human body, such as:
 - (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (B) Water pipes;
 - (C) Carburetion tubes and devices;
 - (D) Smoking and carburetion masks;
 - (E) Roach clips: meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand;
 - (F) Miniature cocaine spoons, and cocaine vials;
 - (G) Chamber pipes;
 - (H) Carburetor pipes;
 - (I) Electric pipes;
 - (J) Air-driven pipes;
 - (K) Chillums;
 - (L) Bongs; and
 - (M) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or [by] anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of this chapter;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or [øf] anyone in control of the object, to deliver it to a person or persons whom the owner or person in control knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; provided that the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object [which] that explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;

ACT 112

- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community; and
- (14) Expert testimony concerning its use.
“Drug paraphernalia” does not include fentanyl test strips.”

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 22, 2023.)

ACT 112

S.B. NO. 674

A Bill for an Act Relating to the Interstate Medical Licensure 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 INTERSTATE MEDICAL LICENSURE COMPACT

§ -1 **Short title.** This chapter may be cited as the Interstate Medical Licensure Compact.

§ -2 **Terms and provisions of compact; authorization; governor.** 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:

INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1. PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state’s existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose

an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

SECTION 2. DEFINITIONS

In this compact:

- a. “Bylaws” means those bylaws established by the Interstate Commission pursuant to Section 11.
- b. “Commissioner” means the voting representative appointed by each member board pursuant to Section 11.
- c. “Conviction” means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.
- d. “Expedited License” means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.
- e. “Interstate Commission” means the interstate commission created pursuant to Section 11.
- f. “License” means authorization by a member state for a physician to engage in the practice of medicine, which would be unlawful without authorization.
- g. “Medical Practice Act” means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.
- h. “Member Board” means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.
- i. “Member State” means a state that has enacted the Compact.
- j. “Practice of Medicine” means that clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the Medical Practice Act of a member state.
- k. “Physician” means any person who:
 1. Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;
 2. Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
 3. Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
 4. Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association’s Bureau of Osteopathic Specialists;
 5. Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

6. Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
 7. Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;
 8. Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and
 9. Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.
- l. “Offense” means a felony, gross misdemeanor, or crime of moral turpitude.
 - m. “Rule” means a written statement by the Interstate Commission promulgated pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.
 - n. “State” means any state, commonwealth, district, or territory of the United States.
 - o. “State of Principal License” means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

SECTION 3. ELIGIBILITY

- a. A physician must meet the eligibility requirements as defined in Section 2(k) to receive an expedited license under the terms and provisions of the Compact.
- b. A physician who does not meet the requirements of Section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

- a. A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:
 1. The state of principal residence for the physician, or
 2. The state where at least 25% of the practice of medicine occurs, or
 3. The location of the physician’s employer, or
 4. If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.
- b. A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements of subsection (a).

- c. The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

- a. A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.
- b. Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.
 - 1. Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.
 - 2. The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. §731.202.
 - 3. Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.
- c. Upon verification in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.
- d. After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the Medical Practice Act and all applicable laws and regulations of the issuing member board and member state.
- e. An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.
- f. An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.
- g. The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

SECTION 6. FEES FOR EXPEDITED LICENSURE

- a. A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact.
- b. The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

- a. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:
 - 1. Maintains a full and unrestricted license in a state of principal license;
 - 2. Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
 - 3. Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and
 - 4. Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.
- b. Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.
- c. The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.
- d. Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the physician's license.
- e. Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.
- f. The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

SECTION 8. COORDINATED INFORMATION SYSTEM

- a. The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, under Section 5.
- b. Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.
- c. Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.
- d. Member boards may report any non-public complaint, disciplinary, or investigatory information not required by subsection (c) to the Interstate Commission.
- e. Member boards shall share complaint or disciplinary information about a physician upon request of another member board.
- f. All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

- g. The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

SECTION 9. JOINT INVESTIGATIONS

- a. Licensure and disciplinary records of physicians are deemed investigative.
- b. In addition to the authority granted to a member board by its respective Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.
- c. A subpoena issued by a member state shall be enforceable in other member states.
- d. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.
- e. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

SECTION 10. DISCIPLINARY ACTIONS

- a. Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.
- b. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.
- c. If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:
 - 1. Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state; or
 - 2. Pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states.
- d. If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the

completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state.

SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

- a. The member states hereby create the “Interstate Medical Licensure Compact Commission”.
- b. The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.
- c. The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.
- d. The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as Commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A Commissioner shall be a(n):
 1. Allopathic or osteopathic physician appointed to a member board;
 2. Executive director, executive secretary, or similar executive of a member board; or
 3. Member of the public appointed to a member board.
- e. The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.
- f. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.
- g. Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d).
- h. The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the Commissioners present that an open meeting would be likely to:
 1. Relate solely to the internal personnel practice and procedures of the Interstate Commission;
 2. Discuss matters specifically exempted from disclosure by federal statute;

3. Discuss trade secrets, commercial, or financial information that is privileged or confidential;
 4. Involve accusing a person of a crime, or formally censuring a person;
 5. Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 6. Discuss investigative records compiled for law enforcement purposes; or
 7. Specifically relate to the participation in a civil action or other legal proceeding.
- i. The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.
 - j. The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for inspection.
 - k. The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.
 - l. The Interstate Commission shall establish other committees for governance and administration of the Compact.

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

- a. Oversee and maintain the administration of the Compact;
- b. Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;
- c. Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;
- d. Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;
- e. Establish and appoint committees including, but not limited to, an executive committee as required by Section 11, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
- f. Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;
- g. Establish and maintain one or more offices;
- h. Borrow, accept, hire, or contract for services of personnel;
- i. Purchase and maintain insurance and bonds;

- j. Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;
- k. Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- l. Accept donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission;
- m. Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed;
- n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- o. Establish a budget and make expenditures;
- p. Adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- q. Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;
- r. Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;
- s. Maintain records in accordance with the bylaws;
- t. Seek and obtain trademarks, copyrights, and patents; and
- u. Perform such functions as may be necessary or appropriate to achieve the purpose of the Compact.

SECTION 13. FINANCE POWERS

- a. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
- b. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.
- c. The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.
- d. The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- a. The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

- b. The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.
- c. Officers selected in subsection (b) shall serve without remuneration for the Interstate Commission.
- d. The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.
- e. The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purpose of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.
- f. The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
- g. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgement, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of the Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- a. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.
- b. Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act” of 2010, and subsequent amendments thereto.
- c. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

- a. The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact’s purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.
- b. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.
- c. The Interstate Commission shall be entitled to receive all services of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact, or promulgated rules.

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

- a. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.
- b. The Interstate Commission may, by majority vote of the Commissioners, initiate legal action in the United States Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the

Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

- c. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or regulation of a profession.

SECTION 18. DEFAULT PROCEDURES

- a. The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.
- b. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:
 - 1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and
 - 2. Provide remedial training and specific technical assistance regarding the default.
- c. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.
- d. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.
- e. The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.
- f. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.
- g. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
- h. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

SECTION 19. DISPUTE RESOLUTION

- a. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which may arise among member states or member boards.
- b. The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- a. Any state is eligible to become a member of the Compact.
- b. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.
- c. The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states.
- d. The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

SECTION 21. WITHDRAWAL

- a. Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.
- b. Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.
- c. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.
- d. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection (c).
- e. The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.
- f. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.
- g. The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

SECTION 22. DISSOLUTION

- a. The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one (1) member state.
- b. Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

SECTION 23. SEVERABILITY AND CONSTRUCTION

- a. The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.
- b. The provisions of the Compact shall be liberally construed to effectuate its purposes.
- c. Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

- a. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.
- b. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.
- c. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.
- d. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.
- e. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

§ -3 **Rules.** The department of commerce and consumer affairs shall adopt rules pursuant to chapter 91 for the purposes of implementing and administering this chapter.”

SECTION 2. This Act shall take effect upon its approval; provided that section 1 of this Act shall take effect on January 1, 2025.

(Approved June 22, 2023.)

ACT 113

S.B. NO. 19

A Bill for an Act Relating to Cast Ballots.

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

SECTION 1. The legislature finds that voters eligible to vote who cast their ballot and subsequently become ineligible to vote due to death or other reasons should have their vote counted. A person voting by mail expects their

ballot to be tabulated when they place it in the mail or deposit it at a place of deposit. If the voter is eligible to vote at the time the ballot is cast, subsequent events that may make the voter ineligible are irrelevant.

The legislature further finds that Act 10, Session Laws of Hawaii 2019 (Act 10), repealed the law that invalidated the cast ballots of absentee voters who died before the opening of the polls on election day. Act 10 also added language to the absentee voter and military-overseas voter laws providing that these voters' ballots would remain valid even if the voter became ineligible to vote after casting their ballot. However, the State's vote by mail process commenced with the 2020 election without similar language establishing procedures for validating mail-in ballots cast by eligible voters who thereafter became ineligible, including those who became ineligible by death.

The purpose of this Act is to guarantee the vote of eligible voters who cast their ballot and then subsequently die or otherwise become ineligible before election day.

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

“§11- Validity of cast mail-in ballot where voter later becomes ineligible.

The mail-in 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, including by death of the voter, after casting the ballot. For the purposes of this section, “cast” means that the voter has:

- (1) Returned the return identification envelope containing the optional secrecy envelope or secrecy sleeve with the marked ballot in any manner permitted pursuant to section 11-104(c); or
- (2) Completed voting in person at a voter service center.”

SECTION 3. Section 15-13.5, Hawaii Revised Statutes, is amended to read as follows:

“§15-13.5 ~~[Eligibility of voter after absentee ballot cast.]~~ Validity of cast absentee ballot where voter later becomes ineligible. 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, including by death of the voter, 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;
- (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 4. Section 15D-10.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§15D-10.5~~ Eligibility of covered voter after ballot cast.] Validity of cast military-overseas ballot where covered voter later becomes ineligible. The military-overseas ballot of any covered voter who was eligible to vote at the time the ballot was cast in accordance with this chapter shall not be deemed invalid solely because the covered voter became ineligible to vote, including by death of the voter, after casting the ballot.”

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 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 114

S.B. NO. 141

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 ensuring the faithfulness of presidential electors is crucial to the State's democratic system of government. The legislature notes that presidential and vice presidential candidates are elected not by the popular vote but rather by electors, who are themselves elected during general elections, who select the president and vice president by a simple majority.

The legislature further finds that electors who cast votes contrary to the candidates whom they were elected to vote for, thereby acting faithlessly, are acting contrary to democratic values by subverting the will of the people. Additionally, the potential exists for faithless electors to have a decisive effect upon a presidential election's outcome, especially when the election is close.

The purpose of this measure is to align Hawaii law with the Uniform Faithful Presidential Electors Act by:

- (1) Updating rules for certification of electors and their votes to be in full compliance with federal law;
- (2) Providing procedures for the replacement of electors;
- (3) Requiring presidential electors to take a pledge that they will vote for their party's nominee;
- (4) Invalidating the vote of any faithless elector; and
- (5) Removing any faithless elector from the position of elector.

SECTION 2. Chapter 14, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§14- Elector replacement; associated certificates. (a) After the vote of the State's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under title 3 United States Code section 6, the chief election officer shall immediately prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature.

(b) The governor shall immediately deliver the signed amended certificate of ascertainment to the chief election officer and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive the State's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

(c) The chief election officer shall prepare a certificate of vote. The electors on the final list shall sign the certificate of vote. The chief election officer shall process and transmit the signed certificate of vote with the amended certificate of ascertainment under title 3 United States Code sections 9, 10, and 11.”

SECTION 3. Section 14-21, Hawaii Revised Statutes, is amended to read as follows:

“§14-21 Nomination of presidential electors and alternates; certification[;] by parties; notification of nominees[;]; pledge. (a) In each year when electors of president and vice president of the United States are to be chosen, each of the political parties or parties or groups qualified under section 11-113 shall hold a state party or group convention pursuant to the constitution, bylaws, and rules of the party or group; and nominate as candidates for its party or group as many electors, and a first and second alternate for each elector, of president and vice president of the United States as the State is then entitled. The electors and alternates shall be registered voters of the State. The names and addresses of the nominees shall be certified by the chairperson and secretary of the convention of the respective parties or groups and submitted to the chief election officer ~~[not]~~ no later than 4:30 p.m. on the sixtieth day ~~[prior to]~~ before the general election of the same year. The chief election officer upon receipt thereof, shall immediately notify each of the nominees for elector and alternate elector of the nomination.

(b) Each elector nominee and alternate elector nominee of a political party or group shall execute the following pledge: “If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party or group that nominated me”. The executed pledges shall accompany the submission of the corresponding names to the chief election officer. Electors shall be released from their pledge if the presidential candidate whom they are pledged to vote for dies. Electors shall not be released from their pledge under any circumstance other than the death of the presidential candidate for whom they are pledged to vote.”

SECTION 4. Section 14-25, Hawaii Revised Statutes, is amended to read as follows:

“§14-25 Duties of the governor[;]; certification of electors by the governor. (a) In submitting the State’s certificate of ascertainment as required by title 3 United States Code section 6, the governor shall certify the State’s electors and state in the certificate that:

- (1) The electors shall serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector shall fill the vacancy; and
- (2) If a substitute elector is appointed to fill a vacancy, the governor shall submit an amended certificate of ascertainment stating the names on the final list of the State’s electors.

(b) On or before the day of the meeting of the electors; the governor shall deliver to the electors a list of the names of electors[;] and [the governor shall] perform any other duties relating to the presidential electors [which] that are required of the governor by laws of the United States.”

SECTION 5. Section 14-27, Hawaii Revised Statutes, is amended to read as follows:

“§14-27 Filling vacancies of presidential electors[;]; presiding officer. ~~[In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party or group as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the governor.]~~

(a) The chief election officer shall preside at the meeting of electors described in section 14-28.

(b) The position of an elector not present to vote shall be vacant. The chief election officer shall appoint an individual as a substitute elector to fill a vacancy as follows:

- (1) If the alternate elector is present to vote, by appointing the alternate elector for the vacant position;
- (2) If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party or group;
- (3) If the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to paragraphs (1) and (2), by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;
- (4) If there is a tie between at least two nominees for substitute elector in a vote conducted under paragraph (3), by appointing an elector chosen by lot from among those nominees; or
- (5) If all elector positions are vacant and cannot be filled pursuant to paragraphs (1) through (4), by appointing a single presidential elector, with remaining vacant positions to be filled under paragraph (3) and, if necessary, paragraph (4).

(c) To qualify as a substitute elector under subsection (b), an individual who has not executed the pledge required under section 14-21(b) shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded"."

SECTION 6. Section 14-28, Hawaii Revised Statutes, is amended to read as follows:

§14-28 Convening and voting for president and vice president; party vote. ~~The electors, when convened, if both candidates are alive, shall vote by ballot for that person for president and that person for vice president of the United States, who are, respectively, the candidates of the political party or group which they represent, one of whom, at least, is not an inhabitant of this State.]; **invalid vote.** (a) At the time designated for elector voting and after all vacant positions have been filled under section 14-27, the chief election officer shall provide each elector with a presidential and a vice-presidential ballot. The elector shall mark the elector's presidential and vice-presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.~~

(b) Except as otherwise provided by law, each elector shall present both completed ballots to the chief election officer, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under section 14-21(b) or 14-27(c). Except as otherwise provided by law, the chief election officer shall not accept and shall not count either an elector's presidential or vice-presidential ballot if the elector has failed to mark both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 14-21(b) or 14-27(c) shall vacate the office of elector, creating a vacant position to be filled pursuant to section 14-27.

(d) The chief election officer shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of the State’s electoral votes have been cast and recorded.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 115

S.B. NO. 1076

A Bill for an Act Relating to Elections.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,938,615 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

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

“§11- **Digital voter information guide.** (a) The office of elections shall:

- (1) Prepare a digital voter information guide, which shall be posted on the office of elections website in a screen reader-accessible format for voters with special needs who are unable to read standard print due to disability;
 - (2) Provide a translation of the digital voter information guide in Olelo Hawaii on its website; and
 - (3) Provide printed copies of the digital voter information guide to all public libraries for viewing by the public.
- (b) The digital voter information guide shall include:
- (1) A photograph and short statement of less than one hundred fifty words for each candidate running for public office, to be prepared by the candidate; provided that the office of elections may uniformly

- limit the number of words for the candidate statement by applicable public office;
- (2) The explanation drafted by the department of the attorney general of each state constitutional amendment that will be proposed to voters in the next general election pursuant to section 11-118.5(b); provided that the department of the attorney general shall transmit the materials required by this paragraph to the office of elections no later than seventy-five days before the general election;
 - (3) A clear and concise explanation, drafted by the appropriate county corporation counsel, for each proposed county charter amendment, proposed initiative, and proposed referendum issue; provided that the respective corporation counsel shall:
 - (A) Translate the explanation into Ololo Hawaii and any other languages required under the federal Voting Rights Act, as specified by the office of elections; and
 - (B) Transmit the materials required by this paragraph to the office of elections no later than seventy-five days before the general election; and
 - (4) Information regarding mailing deadlines, places of deposit locations, same day voter registration, accessible voting locations, and opening hours of voter service centers.
- (c) The office of elections shall prepare and mail with each ballot for a primary election a notice to voters that a digital voter information guide is available on the office of elections website. The notice shall be sent by electronic mail to all voters with special needs who have registered to receive alternate format ballots.
- (d) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility.”

SECTION 3. Section 11-118.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The attorney general ~~[-in]~~ shall:

- (1) In consultation with the legislative reference bureau, ~~[shall]~~ prepare a statement in English and ~~[Hawaiian]~~ Ololo Hawaii for each proposed constitutional amendment in language that is clear and that indicates the purpose, limitations, and effects of the proposed amendment~~[-The attorney general shall distribute];~~²
- (2) Translate the statement into other languages required under the federal Voting Rights Act, as specified by the office of elections; and
- (3) Distribute each statement, including the translations, to the state office of elections pursuant to section 11- (b) and all county clerks for further distribution.

The office of elections and county clerks shall make the statement available to the public at all polling places in the State and on ~~[a website operated by]~~ the office of elections~~[-] website pursuant to section 11- .”~~

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$171,248 or so much thereof as may be necessary for fiscal year 2023-2024 for the office of elections to prepare and mail a notice to voters that a digital voter information guide may be found on the office of elections website.

The sum appropriated shall be expended by the office of elections for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 6. This Act shall take effect on July 1, 2023.
(Approved June 23, 2023.)

Notes

- 1. Act 164.
- 2. Should be underscored.
- 3. Edited pursuant to HRS §23G-16.5.

ACT 116

S.B. NO. 1541

A Bill for an Act Relating to Voting More Than Once During an Election.

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

SECTION 1. The legislature finds that existing law prohibits voters from voting again after having already voted. However, the law does not expressly address the possibility that a person could cast a single vote in Hawai‘i and an additional vote in another state or territory of the United States.

The purpose of this Act is to clarify the law by expressly prohibiting voters from casting more than one vote during any election, even if one of those votes is in a state or territory of the United States other than Hawai‘i.

SECTION 2. Section 19-3, Hawaii Revised Statutes, is amended to read as follows:

“§19-3 Election frauds. The following persons shall be deemed guilty of an election fraud:

- (1) Every person who, directly or indirectly, personally or through another, gives, procures, or lends, or agrees or offers to give, procure, or lend, or who endeavors to procure, any money or office or place of employment or valuable consideration to or for any elector, ~~[or to or for any]~~ person for an elector, ~~[or to or for any]~~ person in order to induce any elector to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, or who does any such act on account of any person having voted or refrained from voting for any particular person at any election;
- (2) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that the money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election; or who knowingly pays or causes to be paid any money to any person in the discharge or repayment of any money wholly or partly expended in bribery at any election, or for any purpose connected with or incidental to any election;
- (3) Every elector who, before, during, or after any election, directly or indirectly, personally or through another, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office,

- place, or employment for oneself or any other person for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or party;
- (4) Every person who, directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence, or restraint; or inflicts or threatens to inflict any injury, damage, or loss in any manner, or in any way practices intimidation upon or against any person in order to induce or compel the person to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, at any election, or on account of the person having voted or refrained from voting, or voted or refrained from voting for any particular person or party; or who by abduction, distress, or any device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the elective franchise;
 - (5) Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who~~[, having once voted,]~~ votes or attempts to vote ~~[again,]~~ more than once during any election, regardless of whether one of the elections is in a state or territory of the United States outside of Hawaii, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting; provided that a person does not commit an election fraud if the person votes once in Hawaii's primary election and also votes in the primary election of another state or territory during the same year, so long as the person was properly registered to vote in all such elections. For the purposes of this paragraph, a person is properly registered to vote if the person's residence in the state in which they are currently voting was acquired with the intent to make that state their legal residence with all the accompanying obligations therein, and if, at the time of voting, that person is registered to vote with the office of elections of the state in which they are voting;
 - (6) Every person who, before or during an election, knowingly publishes a false statement of the withdrawal of any candidate at the election;
 - (7) Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement;
 - (8) Every public officer by law required to do or perform any act or thing with reference to any of the provisions in any law concerning elections who wilfully fails, neglects, or refuses to do or perform the same, or who is guilty of any wilful violation of any of the provisions thereof;
 - (9) Any person wilfully tampering or attempting to tamper with, disarrange, deface, or impair in any manner whatsoever, or destroy, any voting machine while the same is in use at any election, or who, after the machine is locked in order to preserve the registration or record of any election made by the same, tampers or attempts to tamper with any voting machine;
 - (10) Every person who, directly or indirectly, personally or through another, wilfully designs, alters, accesses, or programs any electronic voting system to cause the system to inaccurately record, tally, or report votes cast on the electronic voting system;

ACT 117

- (11) Every person who assists a voter in the completion of a ballot in violation of section 11-139; and
- (12) Every person who knowingly broadcasts, televises, circulates, publishes, distributes, or otherwise communicates, including by electronic means or advertisement, false information about the time, date, place, or means of voting with the purpose of impeding, preventing, or otherwise interfering with the free exercise of the elective franchise.”

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 23, 2023.)

ACT 117

H.B. NO. 1294

A Bill for an Act Relating to Elections.

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

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§11- Legal name of candidates; publication. If the candidate name requested to be printed on a ballot is different than the candidate’s legal name, the office of elections and campaign spending commission shall include the candidate’s legal name wherever the name requested to be printed on the ballot is used, including but not limited to use on the office of elections and campaign spending commission websites, on voter information materials provided by the office of elections and campaign spending commission, and at the request of any registered voter; provided that when the candidate requests a name on the ballot that is different than the candidate’s legal name, the candidate’s legal name shall not be included on the ballot.”

SECTION 2. New statutory material is underscored.¹

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

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 118

S.B. NO. 203

A Bill for an Act Relating to Complaints Alleging Violations of Campaign Spending Laws.

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

SECTION 1. Section 11-403, Hawaii Revised Statutes, is amended to read as follows:

~~“[§11-403]~~ **Notice of complaint; opportunity to explain or respond to complaint**~~[-]; failure to explain or respond to complaint.~~ (a) The commission shall give notice of receipt of the complaint and a copy of the complaint to the respondent.

(b) The respondent may explain or otherwise respond in writing to the complaint and explain or otherwise respond to the complaint at a meeting promptly noticed by the commission and conducted under chapter 92.

(c) If the respondent fails to explain or otherwise respond to the complaint, the commission may treat the failure to explain or respond as a rebuttable presumption that a violation has occurred. The respondent shall have thirty days from the mailing of the complaint under subsection (a) to explain or otherwise respond to the complaint before the rebuttable presumption takes effect.”

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 23, 2023.)

ACT 119

S.B. NO. 1189

A Bill for an Act Relating to Campaign Finance.

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)~~ (B) February 28 of the year of a general election;

~~[(A)] (B)~~ April 30 of the year of a general election;

~~[(B)] (C)~~ Thirty calendar days before a primary, initial special~~[-]~~ election, or initial nonpartisan election;

~~[(C)] (D)~~ Ten calendar days before a primary, initial special~~[-]~~ election, or initial nonpartisan election;

~~[(D)] (E)~~ October 1 of the year of a general election; and

~~[(E)] (F)~~ Ten calendar days before a general, subsequent special~~[-]~~ election, or subsequent nonpartisan election;

provided that the preliminary reports required by subparagraphs ~~[(D)] and~~ (E) and (F) shall not be required from a candidate who is unsuccessful in a primary, initial special~~[-]~~ election, or initial nonpartisan election, or a candidate who is elected to office in the primary, initial special~~[-]~~ election, or initial nonpartisan election. The preliminary report filed by the date required under subparagraph ~~[(B)] (C)~~ 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~~[-]~~ election, 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~~[-]~~ election, 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~~[-]~~ election, or initial nonpartisan election or a candidate who is elected to office in the primary, initial special~~[-]~~ election, or initial nonpartisan election; provided that a candidate who is elected and is to be sworn into office before thirty calendar days after a general, subsequent, subsequent special~~[-]~~ election, 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.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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2026.
(Approved June 23, 2023.)

ACT 120

H.B. NO. 91

A Bill for an Act Relating to Orders of the Campaign Spending Commission.

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

SECTION 1. Section 11-405, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The respondent shall be afforded an opportunity to contest the commission’s preliminary determination of probable cause by making a request for a contested case hearing under chapter 91 within ~~[twenty]~~ thirty days of receipt of the preliminary determination. Failure to request a contested case hearing shall render the commission’s preliminary determination final.”

SECTION 2. Section 11-410, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Any order for the assessment of an administrative fine shall not be issued against a person without providing the person written notice and an opportunity to be heard at a hearing conducted under chapter 91. A person may waive these rights by written stipulation or consent. These rights shall be deemed waived if the order is a preliminary determination of probable cause rendered during a chapter 92 meeting pursuant to section 11-403 and the person fails to

request a contested case hearing within thirty days of receipt of the preliminary determination, as provided in section 11-405(b)."

2. By amending subsection (d) to read:

"(d) If the person to whom the commission's order is directed does not comply with the order, the first circuit court, upon application of the commission, shall issue an order requiring the person to comply with the commission's order. Failure to obey such a court order shall be punished as contempt. In addition to contempt proceedings, the commission may file the commission's order in the first circuit court to have the order confirmed as a judgment, which shall then have the same force and effect and shall be enforceable and collectible in the same manner as other judgments issued by the circuit courts; provided that there shall be no appeal from the judgment."

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 23, 2023.)

ACT 121

H.B. NO. 92

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 as follows:

1. By amending subsection (a) to read:

"(a) The commission may make a decision or issue an order affecting any person violating any provision of this part [or section 281-22] that may provide for the assessment of an administrative fine as follows:

(1) If [an individual,] a person other than a person described in paragraph (2), an amount not to exceed \$1,000 for each occurrence or an amount [equivalent] not to exceed three times the amount of an unlawful contribution or expenditure; or

(2) If a [corporation, organization, association, or labor union,] non-candidate committee that makes only independent expenditures and has either received at least one contribution of more than \$10,000 from any one person or has made expenditures of more than \$10,000 in the aggregate, in an election period, an amount not to exceed [\$1,000] \$5,000 for each occurrence; or an amount not to exceed three times the amount of an unlawful contribution or expenditure;

provided that whenever a corporation, organization, association, or labor union violates this part, the violation may be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, association, or labor union, who have knowingly authorized, ordered, or done any of the acts constituting the violation."

2. By amending subsection (c) to read:

"(c) If an administrative fine is imposed upon a candidate[;] or non-candidate committee, the commission may order that the fine, or any portion[;] of the fine, be paid from the [candidate's] personal funds[;] of the candidate or the funds of the noncandidate committee; provided that if the noncandidate

committee cannot pay, the commission may order that the fine be paid from the personal funds of the candidate or officers of the noncandidate committee.”

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 23, 2023.)

ACT 122

H.B. NO. 463

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 the current state of politics and public mistrust in government necessitate the enactment of more rigorous campaign disclosure laws. The legislature firmly believes that it is clear that the State has sufficiently important government interests in an informed electorate, deterring corruption and the appearance of corruption, and gathering the data necessary to detect campaign spending violations. Campaign disclosure requirements directly serve these sufficiently important government interests.

The legislature further 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 United States Supreme 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 also finds that the State's existing campaign finance laws fail to reveal the source of campaign expenditures for noncandidate committees when the expenditures are under \$1,000. Because of this arbitrary limit, there is a lack of transparency that fails to inform the public about who is trying to influence an election.

The legislature further finds that the current campaign expenditure disclosure threshold of \$1,000 makes it easy to evade campaign spending reporting laws since noncandidate committees that expend just under the \$1,000 threshold do not need to file organizational reports. For example, a noncandidate committee that expends \$999, which is a significant amount for expenditures, is not required to report those expenditures under existing law, therefore those expenses go unreported. This Act would prevent noncandidate committees from evading campaign spending reporting laws for such expenditure amounts.

Therefore, the purpose of this Act is to enhance transparency and prevent noncandidate committees from evading campaign spending reporting laws by lowering the threshold for disclosure of campaign expenditures to \$500, thus providing greater accountability and public awareness.

SECTION 2. Section 11-321, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) The organizational report for a noncandidate committee shall be filed within ten days of receiving contributions or making or incurring expenditures of more than [~~\$1,000,~~] \$500, in the aggregate, in a two-year election period; provided that within the thirty-day period [~~prior to~~] before an election, a noncandidate committee shall register by filing an organizational report within two days of receiving contributions or making or incurring expenditures of more than [~~\$1,000,~~] \$500, in the aggregate, in a two-year election period.”

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 23, 2023.)

ACT 123

H.B. NO. 141

A Bill for an Act Relating to Financial Disclosures.

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

SECTION 1. Section 84-17, Hawaii Revised Statutes, is amended to read as follows:

“**§84-17 Requirements of disclosure.** (a) For the purposes of this section, “disclosure period” refers to the period from January 1 of the preceding calendar year to the time of the filing of the employee’s or legislator’s disclosure of financial interests.

(b) The disclosure of financial [~~interest~~] interests required by this section shall be filed:

- (1) By any person enumerated in subsection (c), except a member of the legislature, between January 1 and May 31 of each year;
- (2) By a member of the legislature between January 1 and January 31 of each year;
- (3) Within thirty days of a person’s election or appointment to a state position enumerated in subsection (c); or
- (4) Within thirty days of separation from a state position if a prior financial disclosure statement for the position was not filed within the one hundred eighty days preceding the date of separation;

provided that candidates for state elective offices or the constitutional convention shall file the required statements no later than twenty days [~~prior to~~] before the date of the primary election for state offices or the election of delegates to the constitutional convention.

(c) The following persons shall file annually with the state ethics commission a disclosure of financial interests:

- (1) The governor, [~~the~~] lieutenant governor, [~~the~~] members of the legislature, and delegates to the constitutional convention; provided that delegates to the constitutional convention shall only be required to file initial disclosures;

- (2) The directors and their deputies, the division chiefs, the executive directors and the executive secretaries and their deputies, the purchasing agents, and the fiscal officers, regardless of the titles by which the foregoing persons are designated, of every state agency and department;
 - (3) The permanent employees of the legislature and its service agencies, other than persons employed in clerical, secretarial, or similar positions;
 - (4) The administrative director of the State, and the assistants in the office of the governor and [the] lieutenant governor, other than persons employed in clerical, secretarial, or similar positions;
 - (5) The hearings officers of every state agency and department;
 - (6) The president, [the] vice presidents, assistant vice presidents, [the] chancellors, and [the] provosts of the University of Hawaii and its community colleges;
 - (7) The superintendent, [the] deputy superintendent, [the] assistant superintendents, [the] complex area superintendents, [the] state librarian, and [the] deputy state librarian of the department of education;
 - (8) The administrative director and [the] deputy director of the courts;
 - (9) The members of every state board or commission whose original terms of office are for periods exceeding one year and whose functions are not solely advisory;
 - (10) Candidates for state elective offices, including candidates for election to the constitutional convention[;]; provided that candidates shall only be required to file initial disclosures;
 - (11) The administrator and assistant administrator of the office of Hawaiian affairs;
 - (12) The Hawaii unmanned aerial systems test site chief operating officer[;]; and
 - (13) The members of the school facilities board appointed by the governor.
- (d) The financial disclosure statements of the following persons shall be public records and available for inspection and duplication:
- (1) The governor, [the] lieutenant governor, [the] members of the legislature, candidates for and delegates to the constitutional convention, [the] trustees of the office of Hawaiian affairs, and candidates for state elective offices;
 - (2) The directors of the state departments and their deputies, regardless of the titles by which the foregoing persons are designated; provided that with respect to the department of the attorney general, the foregoing shall apply only to the attorney general and the first deputy attorney general;
 - (3) The administrative director of the State;
 - (4) The president, [the] vice presidents, [the] assistant vice presidents, [the] chancellors, members of the board of regents, and [the] provosts of the University of Hawaii;
 - (5) The members of the board of education [and the], superintendent, [the] deputy superintendent, [the] state librarian, and [the] deputy state librarian of the department of education;
 - (6) The administrative director and [the] deputy director of the courts;
 - (7) The administrator and [the] assistant administrator of the office of Hawaiian affairs; and
 - (8) The members of the following state boards, commissions, and agencies:

- (A) The board of directors of the agribusiness development corporation established under section 163D-3;
- (B) The board of agriculture established under section 26-16;
- (C) The state ethics commission established under section 84-21;
- (D) The Hawaii community development authority established under section 206E-3;
- (E) The Hawaiian homes commission established under the Hawaiian Homes Commission Act of 1920, as amended, and section 26-17;
- (F) The board of directors of the Hawaii housing finance and development corporation established under section 201H-3;
- (G) The board of land and natural resources established under section 171-4;
- (H) The state land use commission established under section 205-1;
- (I) The legacy land conservation commission established under section 173A-2.4;
- (J) The natural area reserves system commission established under section 195-6;
- (K) The board of directors of the natural energy laboratory of Hawaii authority established under section 227D-2;
- (L) The board of directors of the Hawaii public housing authority established under section 356D-3;
- (M) The public utilities commission established under section 269-2;
- (N) The commission on water resource management established under section 174C-7; and
- (O) The stadium authority established under section 109-1.

(e) The information on the financial disclosure statements shall be confidential, except as provided in subsection (d). The commission shall not release the contents of the disclosures except as may be permitted pursuant to this chapter. Any person who releases any confidential information shall be subject to section 84-31(c).

(f) Candidates for state elective offices, including candidates for election to the constitutional convention, shall only be required to disclose their own financial interests. The disclosures of financial interests of all other persons designated in subsection (c) shall state, in addition to the financial interests of the person disclosing, the financial interests of the person's spouse and dependent children. All disclosures shall include:

- (1) The source and amount of all income of \$1,000 or more received, for services rendered, by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year and the nature of the services rendered; provided that required disclosure under this paragraph for the income source of the spouse or dependent child of a person subject to subsection (d) shall be limited to the name of the business or other qualifying source of income, and need not include the income source's address; provided further that other information that may be privileged by law or individual items of compensation that constitute a portion of the gross income of the business or profession from which the person derives income need not be disclosed;
- (2) The amount and identity of every ownership or beneficial interest held during the disclosure period in any business having a value of \$5,000 or more or equal to ten per cent of the ownership of the business and, if the interest was transferred during the disclosure

period, the date of the transfer; provided that an interest in the form of an account in a federal or state regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed;

- (3) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business during the disclosure period, the term of office and the annual compensation;
- (4) The name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period and the original amount and amount outstanding; provided that debts arising out of retail installment transactions for the purchase of consumer goods need not be disclosed;
- (5) The street address and, if available, the tax map key number, and the value of any real property in which the person holds an interest whose value is \$10,000 or more, and, if the interest was transferred or obtained during the disclosure period, a statement of the amount and nature of the consideration received or paid in exchange for such interest, and the name of the person furnishing or receiving the consideration; provided that disclosure shall not be required of the street address and tax map key number of the person's residence;
- (6) The names of clients assisted or represented before state agencies, except in ministerial matters, for a fee or compensation during the disclosure period and the names of the state agencies involved; and
- (7) The amount and identity of every creditor interest in an insolvent business held during the disclosure period having a value of \$5,000 or more.

(g) In addition to the disclosures required under subsection (f), each member of the legislature shall also disclose the name of any person that is subject to section 97-3 and that is:

- (1) A business partner of the member;
- (2) An employer of the member;
- (3) An officer or director of the member's employer; or
- (4) A client of the member, member's partner, or member's employer, who is on the lobbyist list and not just a client with a lobbyist, where the client provided at least \$5,000 of income during the preceding calendar year.

As used in this subsection:

"Member" means a member of the legislature.

"Member's partner" means a member's spouse under chapter 572, civil union partner under chapter 572B, or reciprocal beneficiary under chapter 572C.

~~(g)~~ (h) Where an amount is required to be reported, the person disclosing may indicate whether the amount is at least \$1,000 but less than \$10,000; at least \$10,000 but less than \$25,000; at least \$25,000 but less than \$50,000; at least \$50,000 but less than \$100,000; at least \$100,000 but less than \$150,000; at least \$150,000 but less than \$250,000; at least \$250,000 but less than \$500,000; at least \$500,000 but less than \$750,000; at least \$750,000 but less than \$1,000,000; or \$1,000,000 or more. An amount of stock may be reported by number of shares.

~~(h)~~ (i) The state ethics commission shall provide a method for filing financial disclosure statements. The commission may require that financial disclosure statements be filed electronically.

~~(i)~~ (j) Failure of a legislator, a delegate to the constitutional convention, or an employee to file a disclosure of financial interests as required by

this section shall be a violation of this chapter. Any legislator, delegate to a constitutional convention, or employee who fails to file a disclosure of financial interests when due shall be assessed an administrative fine of \$75. The state ethics commission, upon the expiration of the time allowed for filing, may post on its website for public inspection a list of all persons who have failed to file financial disclosure statements. The state ethics commission shall notify a person, by in-person service, electronic mail to the person's state electronic mail address, or ~~[first-class]~~ first-class mail, of the failure to file, and the disclosure of financial interests shall be submitted to the state ethics commission ~~[not]~~ no later than 4:30 p.m. on the tenth day after notification of the failure to file has been mailed to the person. If a disclosure of financial interests has not been filed within ten days of the due date, an additional administrative fine of \$10 for each day a disclosure remains unfiled shall be added to the administrative fine. All administrative fines collected under this section shall be deposited in the State's general fund. Any administrative fine for late filing shall be in addition to any other action the state ethics commission may take under this chapter for violations of the state ethics code. The state ethics commission may waive any administrative fines assessed under this subsection for good cause shown.

~~(j)~~ (k) The chief election officer, upon receipt of the nomination paper of any person seeking a state elective office, including the office of delegate to the constitutional convention, shall notify the state ethics commission of the name of the candidate for state office and the date on which the person filed the nomination paper. The state ethics commission, upon the expiration of the time allowed for filing, shall release to the public a list of all candidates who have failed to file financial disclosure statements and shall immediately assess a late filing penalty fee against those candidates of \$50, which shall be collected by the state ethics commission and deposited into the general fund. The state ethics commission may investigate, initiate, or receive charges as to whether a candidate's financial disclosure statement discloses the financial interests required to be disclosed. After proceeding in conformance with section 84-31, the state ethics commission may issue a decision as to whether a candidate has complied with section 84-17(f) and this decision shall be a matter of public record.”

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 January 1, 2025.

(Approved June 23, 2023.)

ACT 124

H.B. NO. 983

A Bill for an Act Relating to Time Limitations.

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

SECTION 1. The purpose of this Act is to add a definition for “public servant” to section 701-108, Hawaii Revised Statutes, to clarify the scope and applicability of provisions related to the time limitations to bring prosecution based on misconduct in office.

SECTION 2. Section 701-108, Hawaii Revised Statutes, is amended to read as follows:

“§701-108 Time limitations. (1) A prosecution for murder, murder in the first and second degrees, attempted murder, attempted murder in the first and second degrees, criminal conspiracy to commit murder in any degree, criminal solicitation to commit murder in any degree, sexual assault in the first and second degrees, sex trafficking, and continuous sexual assault of a minor under the age of fourteen years may be commenced at any time.

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

- (a) A prosecution for manslaughter where the death was not caused by the operation of a motor vehicle must be commenced within ten years after it is committed;
- (b) A prosecution for a class A felony must be commenced within six years after it is committed;
- (c) A prosecution for any felony under part IX of chapter 708 must be commenced within five years after it is committed;
- (d) A prosecution for any other felony must be commenced within three years after it is committed;
- (e) A prosecution for a misdemeanor or parking violation must be commenced within two years after it is committed; and
- (f) A prosecution for a petty misdemeanor or a violation other than a parking violation must be commenced within one year after it is committed.

(3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for:

- (a) Any offense an element of which is fraud, deception as defined in section 708-800, or a breach of fiduciary obligation or the offense of medical assistance fraud under section 346-43.5, within three years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is oneself not a party to the offense, but in no case shall this provision extend the period of limitation by more than six years from the expiration of the period of limitation prescribed in subsection (2);
- (b) Any offense based on misconduct in office by a public ~~officer or~~ ~~employee~~ servant at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years from the expiration of the period of limitation prescribed in subsection (2); and
- (c) Any felony offense involving evidence containing deoxyribonucleic acid from the offender, if a test confirming the presence of deoxyribonucleic acid is performed prior to expiration of the period of limitation prescribed in subsection (2), but in no case shall this provision extend the period of limitation by more than ten years from the expiration of the period of limitation prescribed in subsection (2).

(4) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant’s complicity therein is terminated. Time starts to run on the day after the offense is committed.

(5) A prosecution is commenced either when an indictment is found or a complaint filed, or when an arrest warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay.

(6) The period of limitation does not run:

- (a) During any time when the accused is continuously absent from the State or has no reasonably ascertainable place of abode or work within the State, but in no case shall this provision extend the period of limitation by more than four years from the expiration of the period of limitation prescribed in subsection (2);
- (b) During any time when a prosecution against the accused for the same conduct is pending in this State; or
- (c) For any felony offense under chapter 707, part V or VI, during any time when the victim is alive and under eighteen years of age.

(7) As used in this section, “public servant” shall have the same meaning as in section 710-1000.”

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 23, 2023.)

ACT 125

H.B. NO. 712

A Bill for an Act Relating to Recordings of Public Meetings.

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

SECTION 1. Section 92-3.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) For a remote meeting held by interactive conference technology pursuant to this section:

- (1) The interactive conference technology used by the board shall allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting;
- (2) Except as provided in subsections (c) and (d), a quorum of board members participating in the meeting shall be visible and audible to other members and the public during the meeting; provided that no other meeting participants shall be required to be visible during the meeting;
- (3) Any board member participating in a meeting by interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board;
- (4) At the start of the meeting the presiding officer shall announce the names of the participating members;
- (5) All votes shall be conducted by roll call unless unanimous; and
- (6) ~~[When practicable, boards]~~ Boards shall record meetings open to the public, when practicable, and make the recording of any meeting electronically available to the public as soon as practicable after a meeting and until a time as the minutes required by section 92-9 are

electronically posted on the board’s website. Boards are encouraged to keep recordings available on their website.”

SECTION 2. Section 92-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The board shall keep written or recorded minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. Before the removal of a recording that was maintained on a board’s website pursuant to section 92-3.7(b)(6), the board shall provide the state archives with a copy of the recording. Written minutes shall include~~[-, but need not be limited to:]~~ at minimum:

- (1) The date, time, and place of the meeting;
- (2) The members of the board recorded as either present or absent;
- (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; ~~[and]~~
- (4) If an electronic audio or video recording of the meeting is available online, a link to the electronic audio or video recording of the meeting, to be placed at the beginning of the minutes; and
- [(4)] (5) Any other information that any member of the board requests be included or reflected in the minutes.”

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

SECTION 4. This Act shall take effect on October 1, 2023.

(Approved June 23, 2023.)

ACT 126

H.B. NO. 1502

A Bill for an Act Relating to Evidence.

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

SECTION 1. The legislature finds that Act 210, Session Laws of Hawaii 2008 (Act 210), temporarily established a limited news media privilege against the compelled disclosure of sources and unpublished information to a legislative, executive, or judicial officer or body, or to any other person who may compel testimony. Subsequently, Act 113, Session Laws of Hawaii 2011, extended the repeal date of Act 210 from June 30, 2011, to June 30, 2013, and required the judiciary, through its standing committee on the rules of evidence, to report to the legislature and recommend whether to:

- (1) Codify Act 210 under chapter 621, Hawaii Revised Statutes, relating to evidence and witnesses, generally;
- (2) Codify Act 210 under chapter 626, Hawaii Revised Statutes, the Hawaii rules of evidence; or
- (3) Allow Act 210 to be repealed.

In December 2011, the supreme court standing committee on the rules of evidence submitted a report to the legislature recommending that the sunset provision under Act 210 be repealed and the news media privilege be codified under chapter 621, Hawaii Revised Statutes.

The purpose of this Act is to enact the recommendation made by the supreme court standing committee on the rules of evidence by enacting a permanent news media privilege.

SECTION 2. Chapter 621, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§621- Limitation on compellable testimony from journalists and newscasters; exceptions. (a) A journalist or newscaster presently or previously employed by or otherwise professionally associated with any newspaper, magazine, news agency, press association, wire service, radio or television transmission station or network, or digital news website shall not be required by a legislative, executive, or judicial officer or body, or any other authority having the power to compel testimony or the production of evidence, to disclose, by subpoena or otherwise:

- (1) The source, or information that could reasonably be expected to lead to the discovery of the identity of the source, of any published or unpublished information obtained by the person while so employed or professionally associated in the course of gathering, receiving, or processing information for communication to the public; or
- (2) Any unpublished information obtained or prepared by the person while so employed or professionally associated in the course of gathering, receiving, or processing information for communication to the public.

(b) The limitation on compellable testimony established by this section may also be claimed by and afforded to any individual who can demonstrate by clear and convincing evidence that:

- (1) The individual has regularly and materially participated in the reporting or publishing of news or information of substantial public interest for the purpose of dissemination to the general public by means of tangible or electronic media;
- (2) The position of the individual is materially similar or identical to that of a journalist or newscaster, taking into account the method of dissemination;
- (3) The interest of the individual in protecting the sources and unpublished information under subsection (a) is materially similar to the interest of the individuals referenced under subsection (a); and
- (4) The public interest is served by affording the protections of this section in a specific circumstance under consideration.

(c) This section shall not apply if:

- (1) Probable cause exists to believe that the person claiming the privilege has committed, is committing, or is about to commit a crime;
- (2) The person claiming the privilege has observed the alleged commission of a crime; provided that the privilege granted by this section may be asserted if:
 - (A) The interest in maintaining the privilege granted by this section outweighs the public interest in disclosure; and
 - (B) The commission of the crime is the act of communicating or providing the information or documents at issue;
- (3) There is substantial evidence that the source or information sought to be disclosed is material to the investigation, prosecution, or defense of a felony, or to a civil action for defamation, and the source or information sought is:
 - (A) Unavailable, despite exhaustion of reasonable alternative sources;

- (B) Noncumulative; and
- (C) Necessary and relevant to the charge, claim, or defense asserted;
- (4) The information sought to be disclosed is critical to prevent serious harm to life or public safety; or
- (5) The source consents to the disclosure of unpublished documents or other tangible materials provided by the source.
- (d) No fine or imprisonment shall be imposed against a person claiming the privilege pursuant to this section for refusal to disclose information privileged pursuant to this section.
- (e) The privilege described in this section may be claimed by journalists and newscasters as described in subsection (a) and individuals as described in subsection (b). The privilege shall not be claimed by persons who were the source of information.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 127

S.B. NO. 51

A Bill for an Act Relating to Campaign Finance.

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

SECTION 1. Section 11-323, Hawaii Revised Statutes, is amended to read as follows:

“§11-323 Organizational report, noncandidate committee. (a) The noncandidate committee organizational report shall include:

- (1) The committee’s name, which shall incorporate the full name of the sponsoring entity, if any. An acronym or abbreviation may be used in other communications if the acronym or abbreviation is commonly known or clearly recognized by the general public. The committee’s name shall not include the name of a candidate;
- (2) The committee’s address, including web page address, if any;
- (3) The area, scope, or jurisdiction of the committee;
- (4) The name and address of the committee’s sponsoring entity. If the committee does not have a sponsoring entity, the committee shall specify the trade, profession, or primary interest of contributors to the committee;
- (5) The name, address, telephone number, occupation, and principal place of business of the chairperson;
- (6) The name, address, telephone number, occupation, and principal place of business of the treasurer and any other officers;
- (7) An indication as to whether the committee was formed to support or oppose a specific ballot question or candidate and, if so, a brief description of the question or ~~the~~ name of the candidate;
- (8) An indication as to whether the committee is a political party committee;

- (9) The name, address, telephone number, occupation, and principal place of business of the custodian of the books and accounts;
- (10) The name and address of the depository institution in which the committee will maintain its campaign account and each applicable account number; and
- (11) A certification by the chairperson and treasurer of the statements in the organizational report.

(b) Any change in information previously reported in the organizational report shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.

(c) Any noncandidate committee that violates all or any part of this section shall be subject to a minimum fine of \$1,000 per violation.

SECTION 2. Section 11-391, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The fine for violation of this section, if assessed by the commission, shall not exceed \$25 for each advertisement that lacks the information required by this section or provides prohibited information, and shall not exceed an aggregate amount of \$5,000[-]; provided that any violation of this section by a noncandidate committee, if assessed by the commission, shall be no less than \$150 for each advertisement that lacks the information required by this section or provides prohibited information.”

SECTION 3. Section 11-393, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Any noncandidate committee that violates this section shall be subject to a minimum fine [~~under section 11-410-~~] of \$1,000 per violation.”

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, 2023.

(Approved June 23, 2023.)

ACT 128

S.B. NO. 1493

A Bill for an Act Relating to Lobbyists.

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

SECTION 1. The legislature finds that contributions made during legislative sessions, including extended sessions or special sessions, can create the perception that the contribution is, or is intended, to influence decisions being taken on pending legislation. The legislature’s passage of Act 283, Session Laws of Hawaii 2022, to prohibit elected state and county officials from holding fundraisers during regular and special sessions of the state legislature is one approach to restoring confidence in Hawai‘i’s legislative process.

The legislature further finds that a number of states restrict or prohibit contributions from lobbyists during legislative sessions. According to the National Conference of State Legislatures, at least thirteen states have enacted such laws. Some extend the window where contributions cannot be made by lobbyists to the period when legislation from the regular session is awaiting guber-

natorial action (Arizona and Colorado), a set period following the adjournment of a session (Iowa and Oklahoma), and to only allowing contributions during the election year for that candidate (Wisconsin). The legislature concludes that restricting lobbyists from donating, or promising to later donate, to an elected official during a legislative session and the five days before and after the session will further the goal of reducing undue influence and its appearance.

The purpose of this Act is to prohibit, during legislative sessions and shortly before and after, lobbyist contributions and expenditures and promises of contributions or expenditures, to any elected official, candidate, candidate committee, or individual who is required to file an organizational report with the campaign spending commission.

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

“§11- Contributions and expenditures by lobbyists prohibited during legislative session. (a) 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, and for five calendar days before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321. No elected official, candidate, candidate committee, or other individual required to file an organizational report pursuant to section 11-321 shall accept, or agree to accept at a later time, any contribution from a lobbyist during the specified period under this subsection. Any contribution prohibited by this subsection shall escheat to the Hawaii election campaign fund.

(b) For the purposes of this section:

“Elected official” has the same meaning as in section 11-342.

“Lobbyist” means any person actively registered as a lobbyist with a state or county ethics board or commission.”

SECTION 3. Section 97-5, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~§97-5~~]~~ Restricted activities. (a) No lobbyist shall accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action. 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, and for five calendar days before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321.

(b) For the purposes of this section, “elected official” has the same meaning as in section 11-342.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 129

S.B. NO. 182

A Bill for an Act Relating to Disclosures of Financial Interests.

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

SECTION 1. The purpose of this Act is to provide greater uniformity, flexibility, and efficiency in assessing administrative fines related to disclosures of financial interests.

SECTION 2. Section 84-17, Hawaii Revised Statutes, is amended to read as follows:

“§84-17 Requirements of disclosure. (a) For the purposes of this section, “disclosure period” refers to the period from January 1 of the preceding calendar year to the time of the filing of the employee’s or legislator’s disclosure of financial interests.

(b) The disclosure of financial ~~[interest]~~ interests required by this section shall be filed:

- (1) By any person enumerated in subsection (c), except a member of the legislature, between January 1 and May 31 of each year;
- (2) By a member of the legislature between January 1 and January 31 of each year;
- (3) Within thirty days of a person’s election or appointment to a state position enumerated in subsection (c); or
- (4) Within thirty days of separation from a state position if a prior financial disclosure statement for the position was not filed within the one hundred eighty days preceding the date of separation;

provided that candidates for state elective offices or the constitutional convention shall file the required statements no later than ~~[twenty]~~ ten days ~~[prior to]~~ after the ~~[date of the primary election for state offices or the election of delegates to the constitutional convention.]~~ nomination filing deadline established pursuant to section 12-6.

(c) The following persons shall file annually with the state ethics commission a disclosure of financial interests:

- (1) The governor, ~~[the]~~ lieutenant governor, ~~[the]~~ members of the legislature, and delegates to the constitutional convention; provided that delegates to the constitutional convention shall only be required to file initial disclosures;
- (2) The directors and their deputies, the division chiefs, the executive directors and the executive secretaries and their deputies, the purchasing agents, and the fiscal officers, regardless of the titles by which the foregoing persons are designated, of every state agency and department;
- (3) The permanent employees of the legislature and its service agencies, other than persons employed in clerical, secretarial, or similar positions;
- (4) The administrative director of the State, and the assistants in the office of the governor and ~~[the]~~ lieutenant governor, other than persons employed in clerical, secretarial, or similar positions;
- (5) The hearings officers of every state agency and department;
- (6) The president, ~~[the]~~ vice presidents, assistant vice presidents, ~~[the]~~ chancellors, and ~~[the]~~ provosts of the University of Hawaii and its community colleges;

- (7) The superintendent, [the] deputy superintendent, [the] assistant superintendents, [the] complex area superintendents, [the] state librarian, and [the] deputy state librarian of the department of education;
 - (8) The administrative director and [the] deputy director of the courts;
 - (9) The members of every state board or commission whose original terms of office are for periods exceeding one year and whose functions are not solely advisory;
 - (10) Candidates for state elective offices, including candidates for election to the constitutional convention[-]; provided that candidates shall only be required to file initial disclosures;
 - (11) The administrator and assistant administrator of the office of Hawaiian affairs;
 - (12) The Hawaii unmanned aerial systems test site chief operating officer[[];[]] and
 - (13) The members of the school facilities board appointed by the governor.
- (d) The financial disclosure statements of the following persons shall be public records and available for inspection and duplication:
- (1) The governor, [the] lieutenant governor, [the] members of the legislature, candidates for and delegates to the constitutional convention, [the] trustees of the office of Hawaiian affairs, and candidates for state elective offices;
 - (2) The directors of the state departments and their deputies, regardless of the titles by which the foregoing persons are designated; provided that with respect to the department of the attorney general, the foregoing shall apply only to the attorney general and the first deputy attorney general;
 - (3) The administrative director of the State;
 - (4) The president, [the] vice presidents, [the] assistant vice presidents, [the] chancellors, members of the board of regents, and [the] provosts of the University of Hawaii;
 - (5) The members of the board of education [and the], superintendent, [the] deputy superintendent, [the] state librarian, and [the] deputy state librarian of the department of education;
 - (6) The administrative director and [the] deputy director of the courts;
 - (7) The administrator and [the] assistant administrator of the office of Hawaiian affairs; and
 - (8) The members of the following state boards, commissions, and agencies:
 - (A) The board of directors of the agribusiness development corporation established under section 163D-3;
 - (B) The board of agriculture established under section 26-16;
 - (C) The state ethics commission established under section 84-21;
 - (D) The Hawaii community development authority established under section 206E-3;
 - (E) The Hawaiian homes commission established under the Hawaiian Homes Commission Act of 1920, as amended, and section 26-17;
 - (F) The board of directors of the Hawaii housing finance and development corporation established under section 201H-3;
 - (G) The board of land and natural resources established under section 171-4;
 - (H) The state land use commission established under section 205-1;

- (I) The legacy land conservation commission established under section 173A-2.4;
 - (J) The natural area reserves system commission established under section 195-6;
 - (K) The board of directors of the natural energy laboratory of Hawaii authority established under section 227D-2;
 - (L) The board of directors of the Hawaii public housing authority established under section 356D-3;
 - (M) The public utilities commission established under section 269-2;
 - (N) The commission on water resource management established under section 174C-7; and
 - (O) The stadium authority established under section 109-1.
- (e) The information on the financial disclosure statements shall be confidential, except as provided in subsection (d). The commission shall not release the contents of the disclosures except as may be permitted pursuant to this chapter. ~~[Any person who releases]~~ The unauthorized release of any confidential financial disclosure statement information shall be [subject to section 84-31(e)] a violation of this chapter.
- (f) Candidates for state elective offices, including candidates for election to the constitutional convention, shall only be required to disclose their own financial interests. The disclosures of financial interests of all other persons designated in subsection (c) shall state, in addition to the financial interests of the person disclosing, the financial interests of the person's spouse and dependent children. All disclosures shall include:
- (1) The source and amount of all income of \$1,000 or more received, for services rendered, by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year and the nature of the services rendered; provided that required disclosure under this paragraph for the income source of the spouse or dependent child of a person subject to subsection (d) shall be limited to the name of the business or other qualifying source of income, and need not include the income source's address; provided further that other information that may be privileged by law or individual items of compensation that constitute a portion of the gross income of the business or profession from which the person derives income need not be disclosed;
 - (2) The amount and identity of every ownership or beneficial interest held during the disclosure period in any business having a value of \$5,000 or more or equal to ten per cent of the ownership of the business and, if the interest was transferred during the disclosure period, the date of the transfer; provided that an interest in the form of an account in a federal or state regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed;
 - (3) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business during the disclosure period, the term of office and the annual compensation;
 - (4) The name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period and the original amount and amount outstanding; provided that debts arising out of retail installment transactions for the purchase of consumer goods need not be disclosed;

- (5) The street address and, if available, the tax map key number, and the value of any real property in which the person holds an interest whose value is \$10,000 or more, and, if the interest was transferred or obtained during the disclosure period, a statement of the amount and nature of the consideration received or paid in exchange for such interest, and the name of the person furnishing or receiving the consideration; provided that disclosure shall not be required of the street address and tax map key number of the person's residence;
- (6) The names of clients assisted or represented before state agencies, except in ministerial matters, for a fee or compensation during the disclosure period and the names of the state agencies involved; and
- (7) The amount and identity of every creditor interest in an insolvent business held during the disclosure period having a value of \$5,000 or more.

(g) Where an amount is required to be reported, the person disclosing may indicate whether the amount is at least \$1,000 but less than \$10,000; at least \$10,000 but less than \$25,000; at least \$25,000 but less than \$50,000; at least \$50,000 but less than \$100,000; at least \$100,000 but less than \$150,000; at least \$150,000 but less than \$250,000; at least \$250,000 but less than \$500,000; at least \$500,000 but less than \$750,000; at least \$750,000 but less than \$1,000,000; or \$1,000,000 or more. An amount of stock may be reported by number of shares.

(h) The state ethics commission shall provide a method for filing financial disclosure statements. The commission may require that financial disclosure statements be filed electronically.

(i) Failure of a legislator, a delegate to the constitutional convention, or an employee to file a disclosure of financial interests as required by this section shall be a violation of this chapter. Any legislator, delegate to a constitutional convention, or employee who fails to file a disclosure of financial interests when due ~~[shall]~~ may be assessed an administrative fine of ~~[\$75-]~~ \$50. The state ethics commission, upon the expiration of the time allowed for filing, may post on its website for public inspection a list of all persons who have failed to file financial disclosure statements. The state ethics commission shall notify a person, by in-person service, electronic mail to the person's state electronic mail address, or ~~[first-class]~~ first-class mail, of the failure to file, and ~~[the disclosure of financial interests shall be submitted to the state ethics commission not later than 4:30 p.m. on the tenth day after notification of the failure to file has been mailed to the person-], if applicable, the administrative fine.~~ If a disclosure of financial interests has not been filed within ~~[ten days of the due date, an additional administrative fine of \$10 for each day a disclosure remains unfiled shall be added to the administrative fine. All administrative fines collected under this section shall be deposited in the State's general fund. Any administrative fine for late filing shall be in addition to any other action the state ethics commission may take under this chapter for violations of the state ethics code. The state ethics commission may waive any administrative fines assessed under this subsection for good cause shown-]~~ thirty days after the original deadline, in addition to any initial administrative fine that may have been assessed, an administrative fine of \$250 may be assessed.

(j) The chief election officer, upon receipt of the nomination paper of any person seeking a state elective office, including the office of delegate to the constitutional convention, shall notify the state ethics commission of the name of the candidate for state office and the date on which the person filed the nomination paper. Any candidate who fails to file a disclosure of financial interests when due may be assessed an administrative fine of \$50. The state ethics commission, upon the expiration of the time allowed for filing, ~~[shall release to the]~~

may post on its website for public inspection a list of all candidates who have failed to file financial disclosure statements [and shall immediately assess a late filing penalty fee against those candidates of \$50, which shall be collected by the state ethics commission and deposited into the general fund. The state ethics commission may investigate, initiate, or receive charges as to whether a candidate's financial disclosure statement discloses the financial interests required to be disclosed. After proceeding in conformance with section 84-31, the state ethics commission may issue a decision as to whether a candidate has complied with section 84-17(f) and this decision shall be a matter of public record]. The state ethics commission shall notify a candidate, by in-person service, electronic mail to the candidate's electronic mail address listed with the office of elections, or first-class mail, of the failure to file and, if applicable, the administrative fine. If a disclosure of financial interests has not been filed within thirty days after the original deadline, in addition to any initial administrative fine that may have been assessed, an administrative fine of \$250 may be assessed.

(k) If notice and order of an administrative fine has been issued pursuant to this section, the order shall become final on the twentieth day after it is served upon the alleged violator, unless the alleged violator submits a written request for a hearing before the state ethics commission on or before the twentieth day. After conducting a hearing pursuant to chapter 91, the state ethics commission may affirm, modify, or rescind the order as appropriate. The state ethics commission may file with the circuit court of the first circuit any order the commission has issued pursuant to this section for the purpose of confirming the order as a final judgment that shall have the same force and effect and shall be enforceable and collectable as other judgments issued by the circuit courts; provided that there shall be no appeal from the judgment.

(l) All administrative fines collected under this section shall be deposited into the general fund. Any administrative fine for the late filing of a disclosure of financial interests shall be in addition to any other action the state ethics commission may take pursuant to this chapter. The state ethics commission may waive any administrative fines authorized pursuant to this section for good cause shown.

(m) The state ethics commission may investigate, initiate, or receive charges on whether a candidate's financial disclosure statement discloses the financial interests required to be disclosed. After proceeding in conformance with section 84-31, the state ethics commission may issue a decision on whether a candidate has complied with subsection (f). This decision shall be a matter of public record."

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 23, 2023.)

A Bill for an Act Relating to Official Misconduct.

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

SECTION 1. The purpose of this Act is to establish the criminal offense of official misconduct.

SECTION 2. Chapter 710, Hawaii Revised Statutes, is amended by adding to part II a new section to be appropriately designated and to read as follows:

“§710- Official misconduct. (1) A public servant commits the offense of official misconduct when, in the person’s official capacity, the person:

- (a) With intent to obtain a benefit other than the person’s lawful compensation, intentionally or knowingly performs an act using the power of that person’s office, knowing that the act constitutes an unauthorized exercise of the person’s official functions;
- (b) With intent to obtain a benefit other than the person’s lawful compensation, intentionally or knowingly refrains from performing an official duty that is imposed upon the person by law or is clearly inherent in the nature of the person’s office; or
- (c) Intentionally or knowingly submits or invites reliance on any statement, document, or record, in written, printed, or electronic form, that the person knows to be falsely made, completed, or altered, or in which the person knows to contain a false statement or false information.

(2) As used in this section:

“An official duty that is imposed upon the person by law or is clearly inherent in the nature of the person’s office” means one or more unspecified duties that are so essential to the accomplishment of the purposes for which the office was created that it is clearly inherent in the nature of the office.

“Official function” means the decision, opinion, recommendation, vote, or other exercise or performance of duty of a public servant.

(3) Official misconduct is a class C felony.”

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 upon its approval.

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Fraud.

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

SECTION 1. The legislature finds that the house of representatives adopted House Resolution No. 9 Regular Session of 2022 to establish the

commission to improve standards of conduct. The resolution requested the commission to ensure that state laws and rules relating to standards of conduct for public officers and employees contain clear provisions for standards, enforcement, and penalties. The resolution also asked the commission to provide recommendations to increase awareness of, compliance with, and the deterrent effects of the code of ethics, lobbying laws, campaign finance laws, and other relevant laws and rules.

The legislature further finds that an essential goal of the commission was to provide recommendations that would help restore public trust in state government and increase the levels of government transparency and individual accountability. The strength and stability of our democratic government rely upon the public's trust in government institutions, including the expectation that officers act ethically and with prudence, integrity, and sound judgment.

The legislature notes that, pursuant to House Resolution No. 9, the commission to improve standards of conduct convened regularly throughout 2022 to diligently review, discuss, and consider the issues presented. The commission submitted an interim report to the house of representatives outlining areas of immediate and long-term focus and then continued its work with input from the public and invited individuals and agencies. The commission issued a final report with various recommendations and proposed legislation.

Accordingly, the purpose of this Act is to implement the commission's recommendations to improve standards of conduct relating to combatting fraud, waste, and corruption by:

- (1) Establishing a general fraud statute that is intended to cover schemes or artifices to obtain financial or other gains by means of false or fraudulent pretenses, representations, or promises;
- (2) Establishing the offense of making a false, fictitious, or fraudulent claim against the State or any county; and
- (3) Prohibiting the use of false statements or entries in matters within the jurisdiction of the executive, legislative, or judicial branches of the State.

The legislature also notes that this Act is modeled after the following federal fraud statutes:

- (1) Title 18 United States Code section 287 (false, fictitious, or fraudulent claims);
- (2) Title 18 United States Code section 1001 (false statements or entries);
- (3) Title 18 United States Code section 1341 (mail fraud);
- (4) Title 18 United States Code section 1343 (wire fraud);
- (5) Title 18 United States Code section 1344 (bank fraud); and
- (6) Title 18 United States Code section 1346 (definition of "scheme or artifice to defraud").

Therefore, in applying this Act, state courts and counsel should look to federal case law and precedent for direction. It should be noted that references in the federal statutes to "mail" and "wire" merely provide the nexus for federal jurisdiction.

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- Fraud. (1) A person commits the offense of fraud if, with the intent to defraud, the person executes or attempts to execute any scheme or

artifice to defraud or for the purpose of obtaining money or property by means of false or fraudulent pretenses, representations, or promises.

(2) For purposes of this section, “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.

(3) Fraud shall be a class B felony.”

SECTION 3. Chapter 710, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§710- Making a false, fictitious, or fraudulent claim. (1) A person commits the offense of making a false, fictitious, or fraudulent claim against the State or a county if the person makes or presents to any agent of the State, counties, or any department or agency thereof any claim upon or against the State, county, department, or agency that the person knows to be false, fictitious, or fraudulent.

(2) Making a false, fictitious, or fraudulent claim against the State or a county shall be a class C felony.

§710- Use of false statements or entries; generally. (1) Except as otherwise provided in this section, a person commits the offense of use of false statements or entries if, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the State, the person intentionally or knowingly:

- (a) Falsifies, conceals, or covers up a material fact by any trick, scheme, or device;
- (b) Makes any materially false, fictitious, or fraudulent statement or representation;
- (c) Makes any false writing or document knowing the writing or document contains any materially false, fictitious, or fraudulent statement or entry; or
- (d) Uses any false writing or document knowing the writing or document contains any materially false, fictitious, or fraudulent statement or entry for the purpose of presenting any statement or entry as true or for the purpose of substantiating any conclusion that is made more likely by any statement or entry.

(2) Subsection (1) shall not apply to a party to a judicial proceeding, or that party’s counsel, for statements, representations, writings, or documents submitted by the party or counsel to a judge or magistrate in the proceeding.

(3) With respect to any matter within the jurisdiction of the legislature, subsection (1) shall apply only to:

- (a) Administrative matters, including:
 - (i) A claim for payment;
 - (ii) A matter related to the procurement of property or services;
 - (iii) Personnel or employment practices;
 - (iv) Support services; or
 - (v) A document required by law or rule to be submitted to the legislature or any office or officer within the legislature; or
- (b) Any investigation or review conducted pursuant to the authority of any committee, subcommittee, commission, or office of the legislature, consistent with applicable rules of the senate or house of representatives.

(4) Use of false statements or entries shall be a class C felony.”

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. New statutory material is underscored.¹

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

(Approved June 29, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 132

H.B. NO. 525

A Bill for an Act Relating to the Uniform Commercial Code.

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

SECTION 1. Chapter 490, Hawaii Revised Statutes, is amended as follows:

1. By adding two new articles to be appropriately designated and to read:

**“ARTICLE A
CONTROLLABLE ELECTRONIC RECORDS**

§490:A-101 Short title. This article may be cited as Uniform Commercial Code—Controllable Electronic Records.

§490:A-102 Definitions. (a) In this article:

“Controllable electronic record” means a record stored in an electronic medium that may be subjected to control under section 490:A-105. “Controllable electronic record” does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, electronic money, investment property, or a transferable record.

“Qualifying purchaser” means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

“Transferable record” has the same meaning as in:

- (1) Section 201(a)(1) of the Electronic Signatures in Global and National Commerce Act, title 15 United States Code section 7021(a)(1), as amended; or
- (2) Section 489E-16(a).

“Value” has the same meaning as in section 490:3-303(a), as if references in that section to an “instrument” were references to a controllable account, controllable electronic record, or controllable payment intangible.

(b) The following definitions in other articles of this chapter shall apply to this article:

“Account debtor”. Section 490:9-102.

“Chattel paper”. Section 490:9-102.

“Controllable account”. Section 490:9-102.

“Controllable payment intangible”. Section 490:9-102.

“Deposit account”. Section 490:9-102.

“Electronic money”. Section 490:9-102.

“Investment property”. Section 490:9-102.

(c) Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§490:A-103 Relation to article 9 and consumer laws. (a) If there is conflict between this article and article 9, article 9 shall govern.

(b) A transaction subject to this article shall be subject to any applicable rule of law that establishes a different rule for consumers, including any other statute or rule that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit and any consumer protection statutes or rules.

§490:A-104 Rights in controllable account, controllable electronic record, and controllable payment intangible. (a) This section shall apply to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (c), (d), (e), (g), and (h) of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.

(b) To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser shall be deemed to obtain control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(c) Except as provided in this section, laws other than this article shall determine whether a person acquires a right in a controllable electronic record and the right the person acquires.

(d) A purchaser of a controllable electronic record shall be deemed to acquire all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record shall be deemed to acquire rights only to the extent of the interest purchased.

(e) A qualifying purchaser shall be deemed to acquire its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) Except as provided in subsections (a) and (e) for a controllable account and a controllable payment intangible or law other than this article, a qualifying purchaser shall take a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) An action shall not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record,

whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(h) Filing of a financing statement under article 9 shall not be deemed to be a notice of a claim of a property right in a controllable electronic record.

§490:A-105 Control of controllable electronic record. (a) A person shall be deemed to have control of a controllable electronic record if the electronic record; a record attached to, or logically associated with, the electronic record; or a system in which the electronic record is recorded:

- (1) Gives the person:
 - (A) Power to avail itself of substantially all the benefit from the electronic record; and
 - (B) Exclusive power, subject to subsection (b), to:
 - (i) Prevent others from availing themselves of substantially all the benefit from the electronic record; and
 - (ii) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and
 - (2) Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in paragraph (1).
- (b) Subject to subsection (c), a power shall be deemed exclusive under subsection (a)(1)(B) regardless of whether:
- (1) The controllable electronic record; a record attached to, or logically associated with, the electronic record; or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or
 - (2) The power is shared with another person.
- (c) A power of a person shall not be deemed to be shared with another person under subsection (b)(2) and the person's power shall not be deemed exclusive if:
- (1) The person may exercise the power only if the power also is exercised by the other person; and
 - (2) The other person:
 - (A) May exercise the power without exercise of the power by the person; or
 - (B) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.
- (d) If a person has the powers specified in subsection (a)(1)(B), the powers shall be presumed to be exclusive.
- (e) A person shall be deemed to have control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:
- (1) Has control of the electronic record and acknowledges that it has control on behalf of the person; or
 - (2) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(f) A person having control under this section shall not be required to acknowledge that it has control on behalf of another person.

(g) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article or article 9 otherwise provides, the person shall not owe any duty to the other person and shall not be required to confirm the acknowledgment to any other person.

§490:A-106 Discharge of account debtor on controllable account or controllable payment intangible. (a) An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

- (1) The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or
- (2) Except as provided in subsection (b), a person that formerly had control of the controllable electronic record.

(b) Subject to subsection (d), the account debtor shall not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

- (1) Is signed by a person that formerly had control or the person to which control was transferred;
- (2) Reasonably identifies the controllable account or controllable payment intangible;
- (3) Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;
- (4) Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and
- (5) Provides a commercially reasonable method by which the account debtor shall pay the transferee.

(c) After receipt of a notification that complies with subsection (b), the account debtor may discharge its obligation by paying in accordance with the notification and shall not discharge the obligation by paying a person that formerly had control.

(d) Subject to subsection (h), notification shall be deemed ineffective under subsection (b):

- (1) Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;
- (2) To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or
- (3) At the option of the account debtor if the notification notifies the account debtor to:
 - (A) Divide a payment;
 - (B) Make less than the full amount of an installment or other periodic payment; or
 - (C) Pay any part of a payment by more than one method or to more than one person.

(e) Subject to subsection (h), if requested by the account debtor, the person giving the notification under subsection (b) shall seasonably furnish reasonable proof, using the method in the agreement referred to in subsection (d)(1), that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b).

(f) A person shall be deemed to have furnished reasonable proof under subsection (e) that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (d)(1), that the transferee has the power to:

- (1) Avail itself of substantially all the benefit from the controllable electronic record;
- (2) Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and
- (3) Transfer the powers specified in paragraphs (1) and (2) to another person.

(g) Subject to subsection (h), an account debtor shall not waive or vary its rights under subsections (d)(1) and (e) or its option under subsection (d)(3).

(h) This section shall be subject to law other than this article that establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

§490:A-107 Governing law. (a) Except as provided in subsection (b), the local law of a controllable electronic record's jurisdiction shall govern a matter covered by this article.

(b) For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction shall govern a matter covered by section 490:A-106 unless an effective agreement determines that the local law of another jurisdiction shall govern.

(c) The following rules shall determine a controllable electronic record's jurisdiction under this section:

- (1) If the controllable electronic record, or a record attached to, or logically associated with, the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this chapter or article, that jurisdiction shall be the controllable electronic record's jurisdiction;
- (2) If paragraph (1) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this chapter or article, that jurisdiction shall be the controllable electronic record's jurisdiction;
- (3) If paragraphs (1) and (2) do not apply and the controllable electronic record, or a record attached to, or logically associated with, the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction shall be the controllable electronic record's jurisdiction;
- (4) If paragraphs (1), (2), and (3) do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable

electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction shall be the controllable electronic record's jurisdiction; and

(5) If paragraphs (1) through (4) do not apply, the controllable electronic record's jurisdiction shall be the District of Columbia.

(d) If subsection (c)(5) applies and article 12 of the Uniform Commercial Code Amendments (2022) is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this article shall be the law of the District of Columbia as though article 12 of the Uniform Commercial Code Amendments (2022) were in effect in the District of Columbia without material modification.

(e) To the extent subsections (a) and (b) provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this article, that law shall govern regardless of whether the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(f) The rights acquired under section 490:A-104 by a purchaser or qualifying purchaser shall be governed by the law applicable under this section at the time of purchase.

ARTICLE B TRANSITIONAL PROVISIONS FOR UNIFORM COMMERCIAL CODE AMENDMENTS (2022)

PART 1. GENERAL PROVISIONS AND DEFINITIONS

§490:B-101 Short title. This article may be cited as Transitional Provisions for Uniform Commercial Code Amendments (2022).

§490:B-102 Definitions. (a) In this article:

“Adjustment date” means July 1, 2025, or the date that is one year after the effective date of this Act, whichever is later.

“Article A property” means a controllable account, controllable electronic record, or controllable payment intangible.

(b) The following definitions in other articles of this chapter shall apply to this article:

“Controllable account”. Section 490:9-102.

“Controllable electronic record”. Section 490:A-102.

“Controllable payment intangible”. Section 490:9-102.

“Electronic money”. Section 490:9-102.

“Financing statement”. Section 490:9-102.

(c) Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

PART 2. GENERAL TRANSITIONAL PROVISION

§490:B-201 Savings clause. Except as provided in part 3, a transaction validly entered into before the effective date of this article and the rights, duties, and interests flowing from the transaction shall remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than this chapter or, if applicable, this chapter, as though this article had not taken effect.

PART 3. TRANSITIONAL PROVISIONS FOR ARTICLES 9 AND A

§490:B-301 Savings clause. (a) Except as provided in this part, article 9 as amended by Act , Session Laws of Hawaii 2023, and article A shall apply to a transaction, lien, or other interest in property, regardless of whether the transaction, lien, or interest was entered into, created, or acquired before the effective date of this article.

(b) Except as provided in subsection (c) and sections 490:B-302 through 490:B-306:

- (1) A transaction, lien, or interest in property that was validly entered into, created, or transferred before the effective date of this article and was not governed by this chapter, but would be subject to article 9, as amended by Act , Session Laws of Hawaii 2023, or article A if it had been entered into, created, or transferred on or after the effective date of this article, including the rights, duties, and interests flowing from the transaction, lien, or interest, shall remain valid on and after the effective date of this article; and
- (2) The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this article or by the law that would apply if this article had not taken effect.

(c) This article shall not affect an action, case, or proceeding commenced before the effective date of this article.

§490:B-302 Security interest perfected before the effective date. (a) A security interest that is enforceable and perfected immediately before the effective date of this article shall be a perfected security interest under this article if, on the effective date of this article, the requirements for enforceability and perfection under this article are satisfied without further action.

(b) If a security interest is enforceable and perfected immediately before the effective date of this article, but the requirements for enforceability or perfection under this article are not satisfied on the effective date of this article, the security interest shall:

- (1) Be deemed a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before the effective date of this article or the adjustment date;
- (2) Remain enforceable thereafter only if the security interest satisfies the requirements for enforceability under section 490:9-203, as amended by Act , Session Laws of Hawaii 2023, before the adjustment date; and
- (3) Remain perfected thereafter only if the requirements for perfection under this article are satisfied before the time specified in paragraph (1).

§490:B-303 Security interest unperfected before the effective date. A security interest that is enforceable immediately before the effective date of this article but is unperfected at that time shall:

- (1) Remain an enforceable security interest until the adjustment date;
- (2) Remain enforceable thereafter if the security interest becomes enforceable under section 490:9-203, as amended by Act , Session Laws of Hawaii 2023, on the effective date of this article or before the adjustment date; and
- (3) Become perfected:

- (A) Without further action, on the effective date of this article if the requirements for perfection under this article are satisfied before or at that time; or
- (B) When the requirements for perfection are satisfied if the requirements are satisfied after that time.

§490:B-304 Effectiveness of actions taken before the effective date.

(a) If action, other than the filing of a financing statement, is taken before the effective date of this article and the action would have resulted in perfection of the security interest had the security interest become enforceable before the effective date of this article, the action shall be effective to perfect a security interest that attaches under this article before the adjustment date. An attached security interest shall become unperfected on the adjustment date unless the security interest becomes a perfected security interest under this article before the adjustment date.

(b) The filing of a financing statement before the effective date of this article shall be effective to perfect a security interest on the effective date of this article to the extent that the filing would satisfy the requirements for perfection under this article.

(c) The taking of an action before the effective date of this article shall be sufficient for the enforceability of a security interest on the effective date of this article if the action would satisfy the requirements for enforceability under this article.

§490:B-305 Priority. (a) Subject to subsections (b) and (c), this article shall determine the priority of conflicting claims to collateral.

(b) Subject to subsection (c), if the priorities of claims to collateral were established before the effective date of this article, article 9, as in effect before the effective date of this article, shall determine priority.

(c) On the adjustment date, to the extent the priorities determined by article 9, as amended by Act , Session Laws of Hawaii 2023, modify the priorities established before the effective date of this article, the priorities of claims to article A property and electronic money established before the effective date of this article shall cease to apply.

§490:B-306 Priority of claims when priority rules of article 9 do not apply.

(a) Subject to subsections (b) and (c), article A shall determine the priority of conflicting claims to article A property when the priority rules of article 9, as amended by Act , Session Laws of Hawaii 2023, do not apply.

(b) Subject to subsection (c), when the priority rules of article 9, as amended by Act , Session Laws of Hawaii 2023, do not apply and the priorities of claims to article A property were established before the effective date of this article, law other than article A shall determine priority.

(c) When the priority rules of article 9, as amended by Act , Session Laws of Hawaii 2023, do not apply, to the extent the priorities determined by this article modify the priorities established before the effective date of this article, the priorities of claims to article A property established before the effective date of this article shall cease to apply on the adjustment date.

PART 4. EFFECTIVE DATE

§490:B-401 Effective date. This article shall take effect on the effective date of this Act.”

2. By adding three new sections to part 1, subpart 1, of article 9 to be appropriately designated and to read:

“§490:9-A Control of electronic money. (a) A person shall be deemed to have control of electronic money if the electronic money; a record attached to, or logically associated with, the electronic money; or a system in which the electronic money is recorded:

- (1) Gives the person:
 - (A) Power to avail itself of substantially all the benefit from the electronic money; and
 - (B) Exclusive power, subject to subsection (b), to:
 - (i) Prevent others from availing themselves of substantially all the benefit from the electronic money; and
 - (ii) Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and
- (2) Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under paragraph (1).
- (b) Subject to subsection (c), a power shall be deemed exclusive under subsection (a)(1)(B) regardless of whether:
 - (1) The electronic money; a record attached to, or logically associated with, the electronic money; or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or
 - (2) The power is shared with another person.
- (c) A power of a person shall not be deemed to be shared with another person under subsection (b)(2) and the person’s power shall not be deemed exclusive if:
 - (1) The person may exercise the power only if the power is also exercised by the other person; and
 - (2) The other person:
 - (A) May exercise the power without exercise of the power by the person; or
 - (B) Is the transferor to the person of an interest in the electronic money.
- (d) If a person has the powers specified in subsection (a)(1)(B), the powers shall be presumed to be exclusive.
- (e) A person shall be deemed to have control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:
 - (1) Has control of the electronic money and acknowledges that it has control on behalf of the person; or
 - (2) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

§490:9-B Control of controllable electronic record, controllable account, or controllable payment intangible. (a) A secured party shall be deemed to have control of a controllable electronic record as provided in section 490:A-105.

(b) A secured party shall be deemed to have control of a controllable account or controllable payment intangible if the secured party has control of

the controllable electronic record that evidences the controllable account or controllable payment intangible.

§490:9-C No requirement to acknowledge or confirm; no duties. (a) A person having control under section 490:9-104, 490:9-105, or 490:9-A shall not be required to acknowledge that it has control on behalf of another person.

(b) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person shall not owe any duty to the other person and shall not be required to confirm the acknowledgment to any other person.”

3. By adding two new sections to part 3, subpart 1, of article 9 to be appropriately designated and to read:

“§490:9-D Law governing perfection and priority of security interests in chattel paper. (a) Except as provided in subsection (d), if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper’s jurisdiction shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, regardless of whether the transaction bears any relation to the chattel paper’s jurisdiction.

(b) The following rules shall determine the chattel paper’s jurisdiction under this section:

- (1) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to, or logically associated with, the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper’s jurisdiction for purposes of this chapter, article, or part, that jurisdiction shall be the chattel paper’s jurisdiction;
- (2) If paragraph (1) does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper’s jurisdiction for purposes of this chapter, article, or part, that jurisdiction shall be the chattel paper’s jurisdiction;
- (3) If paragraphs (1) and (2) do not apply and the authoritative electronic copy, or a record attached to, or logically associated with, the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction shall be the chattel paper’s jurisdiction;
- (4) If paragraphs (1), (2), and (3) do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction shall be the chattel paper’s jurisdiction; and
- (5) If paragraphs (1) through (4) do not apply, the chattel paper’s jurisdiction shall be the jurisdiction in which the debtor is located.

(c) If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction shall govern:

- (1) Perfection of a security interest in the chattel paper by possession under section 490:9-F; and
- (2) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(d) The local law of the jurisdiction in which the debtor is located shall govern perfection of a security interest in chattel paper by filing.

§490:9-E Law governing perfection and priority of security interests in controllable accounts, controllable electronic records, and controllable payment intangibles. (a) Except as provided in subsection (b), the local law of the controllable electronic record's jurisdiction specified in sections 490:A-107(c) and (d) shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(b) The local law of the jurisdiction in which the debtor is located shall govern:

- (1) Perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and
 - (2) Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.”
4. By adding a new section to part 3, subpart 2, of article 9 to be appropriately designated and to read:

“§490:9-F Perfection by possession and control of chattel paper. (a) A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(b) A security interest shall be deemed perfected under subsection (a) no earlier than the time the secured party takes possession and obtains control and shall be deemed to remain perfected under subsection (a) only while the secured party retains possession and control.

(c) Sections 490:9-313(c) and (f) through (i) shall apply to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.”

5. By adding a new section to part 3, subpart 3, of article 9 to be appropriately designated and to read:

“§490:9-G Priority of security interest in controllable account, controllable electronic record, and controllable payment intangible. A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible shall have priority over a conflicting security interest held by a secured party that does not have control.”

SECTION 2. Section 490:1-201, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Subject to definitions contained in other articles of this chapter that apply to particular articles or parts thereof:

“Action”, in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

“Aggrieved party” means a party entitled to pursue a remedy.

“Agreement”, as distinguished from “contract”, means the bargain of the parties in fact, as found in their language or inferred from other circumstances,

including course of performance, course of dealing, or usage of trade as provided in section 490:1-303.

“Bank” means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, financial services loan company, and trust company.

“Bearer” means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

“Bill of lading” means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. ~~[The term]~~ “Bill of lading” does not include a warehouse receipt.

“Branch” includes a separately incorporated foreign branch of a bank.

“Burden of establishing” a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

“Buyer in ordinary course of business” means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller’s own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under article 2 may be a buyer in ordinary course of business. “Buyer in the ordinary course of business” does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

“Conspicuous”, with reference to a term, means so written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is “conspicuous” or not is a decision for the court. ~~[Conspicuous terms include the following:~~

- ~~(1) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~
- ~~(2) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.]~~

“Consumer” means an individual who enters into a transaction primarily for personal, family, or household purposes.

“Contract”, as distinguished from “agreement”, means the total legal obligation that results from the parties’ agreement as determined by this chapter and as supplemented by any other applicable law.

“Creditor” includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor’s or assignor’s estate.

“Defendant” includes a person in the position of defendant in a counter-claim, cross-claim, or third-party claim.

“Delivery”, with respect to an electronic document of title, means voluntary transfer of control^[;] and, with respect to an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

“Document of title” means a record^[;] that:

- (1) [~~That in~~] In the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers; and
- (2) [~~That purports~~] Purports to be issued by or addressed to a bailee and to cover goods in the bailee’s possession which are either identified or are fungible portions of an identified mass.

[~~The term~~] “Document of title” includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. [~~An electronic document of title~~]

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Electronic document of title” means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

“Fault” means a default, breach, or wrongful act or omission.

“Fungible goods” means^[;] goods that:

- (1) [~~Goods that any~~] Any unit, by nature or usage of trade, is the equivalent of any other like unit; or
- (2) [~~Goods that by~~] By agreement are treated as equivalent.

“Genuine” means free of forgery or counterfeiting.

“Good faith” means honesty in fact.

“Holder” means^[;] the person in:

- (1) [~~The person in possession~~] Possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;
- (2) [~~The person in possession~~] Possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or
- (3) [~~The person in control~~] Control, other than pursuant to section 490:7-106(g), of a negotiable electronic document of title.

“Insolvency proceeding” includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

“Insolvent” means:

- (1) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;
- (2) Being unable to pay debts as they become due; or
- (3) Being insolvent within the meaning of federal bankruptcy law.

“Money” means a medium of exchange that is currently authorized or adopted by a domestic or foreign government. [~~The term~~] “Money” includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. “Money” does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government.

“Organization” means a person other than an individual.

“Party”, as distinct from a “third party”, means a person that has engaged in a transaction or made an agreement subject to this chapter.

“Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~[public corporation,]~~ or any other legal or commercial entity. “Person” includes a protected series, however denominated, of an entity if the protected series is established under any law other than this chapter that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

“Present value” means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

“Purchase” means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

“Purchaser” means a person that takes by purchase.

“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.

“Remedy” means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

“Representative” means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

“Right” includes remedy.

“Security interest” means an interest in personal property or fixtures that secures payment or performance of an obligation. “Security interest” includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to article 9. “Security interest” does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under section 490:2-401, but a buyer may also acquire a “security interest” by complying with article 9. Except as otherwise provided in section 490:2-505, the right of a seller or lessor of goods under article 2 or 2A to retain or acquire possession of the goods is not a “security interest”, but a seller or lessor may also acquire a “security interest” by complying with article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under section 490:2-401 is limited in effect to a reservation of a “security interest”. Whether a transaction in the form of a lease creates a “security interest” is determined pursuant to section 490:1-203.

“Send”, in connection with a ~~[writing,]~~ record~~[-]~~ or ~~[notice]~~ notification, means~~[-]~~ to:

- (1) ~~[To deposit]~~ Deposit in the mail ~~[or]~~, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for ~~[and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none],~~ addressed to any address reasonable under the circumstances; or
- (2) ~~[In any other way to cause to be received any record or notice within the time it would have arrived if properly sent.]~~ Cause the record

or notification to be received within the time it would have been received if properly sent under paragraph (1).

“Signed” [~~includes any symbol executed or adopted with present intention to adopt or accept a writing.~~], “sign”, “signing”, or “signature” means, with present intent to authenticate or adopt a record:

- (1) Execute or adopt a tangible symbol; or
- (2) Attach to, or logically associate with, the record an electronic symbol, sound, or process.

“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.

“Surety” includes a guarantor or other secondary obligor.

“Term” means a portion of an agreement that relates to a particular matter.

“Unauthorized signature” means a signature made without actual, implied, or apparent authority. [~~The term~~] “Unauthorized signature” includes a forgery.

“Warehouse receipt” means a document of title issued by a person engaged in the business of storing goods for hire.

“Writing” includes printing, typewriting, or any other intentional reduction to tangible form. “Written” has a corresponding meaning.”

SECTION 3. Section 490:1-204, Hawaii Revised Statutes, is amended to read as follows:

“**§490:1-204 Value.** Except as otherwise provided in articles 3, 4, [~~and~~] 5, and A, a person gives value for rights if the person acquires them:

- (1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;
- (2) As security for, or in total or partial satisfaction of, a preexisting claim;
- (3) By accepting delivery under a preexisting contract for purchase; or
- (4) In return for any consideration sufficient to support a simple contract.”

SECTION 4. Section 490:1-301, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If one of the following provisions of the Uniform Commercial Code specifies the applicable law, that provision [~~governs~~] shall govern and a contrary agreement [~~is~~] shall be effective only to the extent permitted by the law so specified:

- (1) Section 490:2-402;
- (2) Sections 490:2A-105 and 490:2A-106;
- (3) Section 490:4-102;
- (4) Section 490:4A-507;
- (5) Section 490:5-116;
- (6) Section 490:8-110; [~~and~~]
- (7) Sections 490:9-301 through 490:9-307[-]; and
- (8) Section 490:A-107.”

SECTION 5. Section 490:1-306, Hawaii Revised Statutes, is amended to read as follows:

“§490:1-306 Waiver or renunciation of claim or right after breach. A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~[an authenticated]~~ a signed record.”

SECTION 6. Section 490:2-102, Hawaii Revised Statutes, is amended to read as follows:

“§490:2-102 Scope; certain security and other transactions excluded from this article. (1) ~~Unless the context otherwise requires,¹ and except as provided in subsection (3), this article [applies] shall apply to transactions in goods[; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.] and, in the case of a hybrid transaction, to the extent provided in subsection (2).~~

(2) ~~In a hybrid transaction, if the sale-of-goods aspects:~~

(a) ~~Do not predominate, only the provisions of this article that relate primarily to the sale-of-goods aspects of the transaction shall apply, and the provisions that relate primarily to the transaction as a whole shall not apply; and~~

(b) ~~Predominate, this article shall apply to the transaction but shall not preclude application in appropriate circumstances of other law to aspects of the transaction that do not relate to the sale of goods.~~

(3) ~~This article shall not:~~

(a) ~~Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or~~

(b) ~~Impair or repeal any statute regulating sales to consumers, farmers, or other specified classes of buyers.”~~

SECTION 7. Section 490:2-106, Hawaii Revised Statutes, is amended to read as follows:

“§490:2-106 Definitions: “contract”; “agreement”; “contract for sale”; “sale”; “present sale”; “conforming” to contract; “termination”; “cancellation”[-]; “hybrid transaction”. (1) In this article unless the context otherwise requires “contract” and “agreement” are limited to those relating to the present or future sale of goods. “Contract for sale” includes both a present sale of goods and a contract to sell goods at a future time. A “sale” consists in the passing of title from the seller to the buyer for a price (section 490:2-401). A “present sale” means a sale ~~[which] that~~ is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are “conforming” or conform to the contract when they are in accordance with the obligations under the contract.

(3) “Termination” occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On “termination” all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) “Cancellation” occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of “termination” except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

(5) “Hybrid transaction” means a single transaction involving the sale of goods and:

- (a) The provision of services;
- (b) The lease of other goods; or
- (c) The sale, lease, or license of property other than goods.”

SECTION 8. Section 490:2-201, Hawaii Revised Statutes, is amended to read as follows:

“§490:2-201 Formal requirements; statute of frauds. (1) Except as otherwise provided in this section, a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is ~~[some writing]~~ a record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~[his]~~ the party’s authorized agent or broker. A ~~[writing is]~~ record shall not be deemed insufficient because it omits or incorrectly states a term agreed upon but the contract ~~[is]~~ shall not be enforceable under this ~~[paragraph]~~ subsection beyond the quantity of goods shown in ~~[such writing:]~~ the record.

(2) Between merchants if within a reasonable time a ~~[writing]~~ record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it ~~[satisfies]~~ shall satisfy the requirements of subsection (1) against ~~[such]~~ the party unless ~~[written]~~ notice in a record of objection to its contents is given within ten days after it is received.

(3) A contract ~~[which]~~ that does not satisfy the requirements of subsection (1) but ~~[which]~~ that is valid in other respects ~~[is]~~ shall be enforceable:

- (a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller’s business and the seller, before notice of repudiation is received and under circumstances ~~[which]~~ that reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; ~~[or]~~
- (b) If the party against whom enforcement is sought admits in ~~[his]~~ the party’s pleading, testimony, or otherwise in court that a contract for sale was made, but the contract ~~[is]~~ shall not be enforceable under this ~~[provision]~~ paragraph beyond the quantity of goods admitted; or
- (c) With respect to goods for which payment has been made and accepted or ~~[which]~~ that have been received and accepted (section 490:2-606).”

SECTION 9. Section 490:2-202, Hawaii Revised Statutes, is amended to read as follows:

“§490:2-202 Final ~~[written]~~ expression: parol or extrinsic evidence. Terms with respect to which the confirmatory memoranda of the parties agree or that are otherwise set forth in a ~~[writing]~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented by:

- (a) Course of performance, course of dealing, or usage of trade (section 490:1-303); and
- (b) Evidence of consistent additional terms unless the court finds the ~~[writing]~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.”

SECTION 10. Section 490:2-209, Hawaii Revised Statutes, is amended as follows:

1. By amending its title to read:

“§490:2-209 Modification, rescission, and waiver.”

2. By amending subsection (2) to read:

“(2) A signed agreement [~~which~~] that excludes modification or rescission except by a signed writing [~~cannot~~] or other signed record shall not be otherwise modified or rescinded, but except as between merchants [~~such a~~] this type of requirement on a form supplied by the merchant [~~must~~] shall be separately signed by the other party.”

SECTION 11. Section 490:2A-102, Hawaii Revised Statutes, is amended to read as follows:

“§490:2A-102 Scope. (a) This article [~~applies~~] shall apply to any transaction, regardless of form, that creates a lease[-] and, in the case of a hybrid lease, this article shall apply to the extent provided in subsection (b).

(b) In a hybrid lease:

(1) If the lease-of-goods aspects do not predominate:

(A) Only the provisions of this article that relate primarily to the lease-of-goods aspects of the transaction shall apply, and the provisions that relate primarily to the transaction as a whole shall not apply;

(B) Section 490:2A-209 shall apply if the lease is a finance lease; and

(C) Section 490:2A-407 shall apply to the promises of the lessee in a finance lease to the extent that the promises are consideration for the right to possession and use of the leased goods; and

(2) If the lease-of-goods aspects predominate, this article shall apply to the transaction, but shall not preclude the application, in appropriate circumstances, of other law to aspects of the lease that do not relate to the lease of goods.”

SECTION 12. Section 490:2A-103, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In this article [~~unless the context otherwise requires~~]:

[(4)] “Buyer in ordinary course of business” means a person who in good faith and without knowledge that the sale to that person is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. “Buying” may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

[(2)] “Cancellation” occurs when either party puts an end to the lease contract for default by the other party.

[(3)] “Commercial unit” means [~~such~~] a unit of goods that as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. [A commercial unit] “Commercial unit” may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

[(4)] “Conforming” goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

~~[(5)]~~ “Consumer lease” means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed \$25,000.

~~[(6)]~~ “Fault” means wrongful act, omission, breach, or default.

~~[(7)]~~ “Finance lease” means a lease with respect to which:

- ~~[(i)]~~ (1) The lessor does not select, manufacture, or supply the goods;
- ~~[(ii)]~~ (2) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and
- ~~[(iii)]~~ (3) One of the following occurs:
 - (A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;
 - (B) The lessee’s approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;
 - (C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or
 - (D) If the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing ~~[(a) of]~~:
 - ~~(i)~~ Of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person~~[(b) that]~~;
 - ~~(ii)~~ That the lessee is entitled under this article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods~~]; and [(c) that]~~
 - ~~(iii)~~ That the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

~~[(8)]~~ “Goods” means all things that are movable at the time of identification to the lease contract, or are fixtures (section 490:2A-309)~~], but the term~~. “Goods” does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. ~~[The term also]~~ “Goods” includes the unborn young of animals.

“Hybrid lease” means a single transaction involving a lease of goods and:

- (1) The provision of services;
- (2) A sale of other goods; or
- (3) A sale, lease, or license of property other than goods.

~~[(9)]~~ “Installment lease contract” means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even

though the lease contract contains a clause “each delivery is a separate lease” or its equivalent.

[(10)] “Lease” means a transfer of the right to possession and use of goods for a term in return for consideration~~[, but]~~. “Lease” does not include a sale, including a sale on approval or a sale or return, or retention or creation of a security interest ~~[is not a lease]~~. Unless the context clearly indicates otherwise, ~~[the term]~~ “lease” includes a sublease.

[(11)] “Lease agreement” means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this article. Unless the context clearly indicates otherwise, ~~[the term]~~ “lease agreement” includes a sublease agreement.

[(12)] “Lease contract” means the total legal obligation that results from the lease agreement as affected by this article and any other applicable rules of law. Unless the context clearly indicates otherwise, ~~[the term]~~ “lease contract” includes a sublease contract.

[(13)] “Leasehold interest” means the interest of the lessor or the lessee under a lease contract.

[(14)] “Lessee” means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, ~~[the term]~~ “lessee” includes a sublessee.

[(15)] “Lessee in ordinary course of business” means a person who in good faith and without knowledge that the lease to that person is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. “Leasing” may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

[(16)] “Lessor” means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, ~~[the term]~~ “lessor” includes a sublessor.

[(17)] “Lessor’s residual interest” means the lessor’s interest in the goods after expiration, termination, or cancellation of the lease contract.

[(18)] “Lien” means a charge against or interest in goods to secure payment of a debt or performance of an obligation~~[, but the term]~~. “Lien” does not include a security interest.

[(19)] “Lot” means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

[(20)] “Merchant lessee” means a lessee that is a merchant with respect to goods of the kind subject to the lease.

[(21)] “Present value” means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

[(22)] “Purchase” includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

[(23)] “Sublease” means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

[(24)] “Supplier” means a person from whom a lessor buys or leases goods to be leased under a finance lease.

[(25)] “Supply contract” means a contract under which a lessor buys or leases goods to be leased.

[(26)] “Termination” occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.”

SECTION 13. Section 490:2A-107, Hawaii Revised Statutes, is amended to read as follows:

“**§490:2A-107 Waiver or renunciation of claim or right after default.** Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a [written] waiver or renunciation in a signed [and] record delivered by the aggrieved party.”

SECTION 14. Section 490:2A-202, Hawaii Revised Statutes, is amended to read as follows:

“**§490:2A-202 Final [written] expression: parol or extrinsic evidence.** Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a [writing] record intended by the parties as a final expression of their agreement with respect to [such] the terms as are included therein ~~may~~ shall not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented[:] by:

- (1) [~~By course~~] Course of dealing or usage of trade or by course of performance; and
- (2) [~~By evidence~~] Evidence of consistent additional terms unless the court finds the [writing] record to have been intended also as a complete and exclusive statement of the terms of the agreement.”

SECTION 15. Section 490:3-104, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as provided in subsections (c) and (d), “negotiable instrument” means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

- (1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;
- (2) Is payable on demand or at a definite time; and
- (3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain:
 - (A) An undertaking or power to give, maintain, or protect collateral to secure payment;
 - (B) An authorization or power to the holder to confess judgment or realize on or dispose of collateral; [øf]
 - (C) A waiver of the benefit of any law intended for the advantage or protection of an obligor[:];
 - (D) A term that specifies the law that governs the promise or order;
or
 - (E) An undertaking to resolve in a specified forum a dispute concerning the promise or order.”

SECTION 16. Section 490:3-105, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) “Issue” means ~~[the]~~:

- (1) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person[-]; or
- (2) If agreed to by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.”

SECTION 17. Section 490:3-401, Hawaii Revised Statutes, is amended to read as follows:

“**§490:3-401 Signature[-] necessary for liability on instrument.** [(a)] A person [is] shall not be liable on an instrument unless (i) the person signed the instrument, or (ii) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under section 490:3-402.

~~[(b) A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.]”~~

SECTION 18. Section 490:3-604, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, ~~[such as]~~ including surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party’s signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing. The obligation of a party to pay a check shall not be discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.”

SECTION 19. Section 490:4A-103, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) In this article:

~~[(1) “Payment order” means an instruction of a sender to a receiving bank, transmitted orally, electronically, or in writing, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:~~

- ~~(i) The instruction does not state a condition to payment to the beneficiary other than time of payment;~~
- ~~(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and~~
- ~~(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.~~

~~[(2)] “Beneficiary” means the person to be paid by the beneficiary’s bank.~~

~~[(3)] “Beneficiary’s bank” means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or [which] that otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.~~

“Payment order” means an instruction of a sender to a receiving bank, transmitted orally or in a record, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

- (1) The instruction does not state a condition to payment to the beneficiary other than time of payment;
- (2) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and
- (3) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

[4] “Receiving bank” means the bank to which the sender’s instruction is addressed.

[5] “Sender” means the person giving the instruction to the receiving bank.

(b) If an instruction complying with subsection [(a)(1)] (a) is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.”

SECTION 20. Section 490:4A-201, Hawaii Revised Statutes, is amended to read as follows:

“§490:4A-201 Security procedure. “Security procedure” means a procedure established by agreement of a customer and a receiving bank for the purpose of (i) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (ii) detecting error in the transmission or the content of the payment order or communication. A security procedure may impose an obligation on the receiving bank or the customer and require the use of algorithms or other codes, identifying words [ø], numbers, symbols, sounds, biometrics, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer [is] or requiring a payment order to be sent from a known email address, internet protocol address, or telephone number shall not be, by itself, a security procedure.”

SECTION 21. Section 490:4A-202, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank [is] shall be deemed effective as the order of the customer, whether or not authorized, if (i) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (ii) the bank proves that it accepted the payment order in good faith and in compliance with the bank’s obligations under the security procedure and any [written] agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank [is] shall not be required to follow an instruction that violates [a-written] an agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security

procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (i) the security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (ii) the customer expressly agreed in [writing] a record to be bound by any payment order, whether or not authorized, issued in its name and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer."

SECTION 22. Section 490:4A-203, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If an accepted payment order is not, under section 490:4A-202(a), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to section 490:4A-202(b), the following rules apply:

- (1) By express [written] agreement, evidenced by a record, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order[-]; and
- (2) The receiving bank [is] shall not be entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. [Information] In this paragraph, "information" includes any access device, computer software, or the like."

SECTION 23. Section 490:4A-210, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A payment order [is] shall be deemed rejected by the receiving bank by a notice of rejection transmitted to the sender orally[-electronically], or in [writing] a record. A notice of rejection need not use any particular words and [is] shall be sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection [is] shall be deemed effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection [is] shall be deemed effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (i) any means complying with the agreement [is] shall be deemed reasonable and (ii) any means not complying [is] shall be deemed not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means."

SECTION 24. Section 490:4A-211, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally[-electronically], or in [writing] a record. If a security procedure is in effect between the sender and the receiving bank, the communication [is] shall not be deemed effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment."

SECTION 25. Section 490:4A-305, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) In addition to the amounts payable under subsections (a) and (b), damages, including consequential damages, ~~[are]~~ shall be recoverable to the extent provided in an express ~~[written]~~ agreement of the receiving bank~~[-]~~, as evidenced by a record.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank ~~[is]~~ shall be liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, ~~[are]~~ shall be recoverable to the extent provided in an express ~~[written]~~ agreement of the receiving bank, as evidenced by a record, but ~~[are]~~ shall not otherwise be recoverable.”

SECTION 26. Section 490:5-104, Hawaii Revised Statutes, is amended to read as follows:

“**§490:5-104 Formal requirements.** A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a signed record ~~[and is authenticated (i) by a signature, or (ii) in accordance with the agreement of the parties or the standard practice referred to in section 490:5-108(e)].~~”

SECTION 27. Section 490:5-116, Hawaii Revised Statutes, is amended to read as follows:

“**§490:5-116 Choice of law and forum.** (a) The liability of an issuer, nominated person, or adviser for action or omission ~~[is]~~ shall be governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~[or otherwise authenticated]~~ by the affected parties ~~[in the manner provided in section 490:5-104]~~ or by a provision in the person’s letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(b) Unless subsection (a) applies, the liability of an issuer, nominated person, or adviser for action or omission ~~[is]~~ shall be governed by the law of the jurisdiction in which the person is located. The person ~~[is]~~ shall be considered to be located at the address indicated in the person’s undertaking. If more than one address is indicated, the person ~~[is]~~ shall be considered to be located at the address from which the person’s undertaking was issued.

(c) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank ~~[are]~~ shall be considered separate juridical entities and a bank ~~[is]~~ shall be considered to be located at the place where its relevant branch is considered to be located under ~~[this]~~ subsection~~[-]~~ (d).

(d) A branch of a bank shall be considered to be located at the address indicated in the branch’s undertaking; provided that if more than one address is indicated, the branch shall be considered to be located at the address from which the undertaking was issued.

(e) (c) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser ~~[is]~~ shall be governed by any rules of custom or practice, ~~[such as]~~ including the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If (i) this article would govern the liability of an issuer, nominated person, or adviser under subsection (a) or (b), (ii) the relevant undertaking incorporates rules of custom or practice, and (iii) there is conflict between this article and those rules as applied to that undertaking, those rules

shall govern except to the extent of any conflict with the nonvariable provisions specified in section 490:5-103(c).

~~[(d)]~~ (f) If there is conflict between this article and article 3, 4, 4A, or 9, this article ~~[governs.]~~ shall govern.

~~[(e)]~~ (g) The forum for settling disputes arising out of an undertaking within this article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (a).”

SECTION 28. Section 490:7-102, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In this article, unless the context otherwise requires:

[(1)] “Bailee” means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

[(2)] “Carrier” means a person that issues a bill of lading.

[(3)] “Consignee” means a person named in a bill of lading to which or to whose order the bill promises delivery.

[(4)] “Consignor” means a person named in a bill of lading as the person from which the goods have been received for shipment.

[(5)] “Delivery order” means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

[(6)] “Good faith” means honesty in fact and the observance of reasonable commercial standards of fair dealing.

[(7)] “Goods” means all things that are treated as movable for the purposes of a contract for storage or transportation.

[(8)] “Issuer” means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. ~~[The term]~~ “Issuer” includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer’s instructions.

[(9)] “Person entitled under the document” means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

~~[(10)] “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.~~

[(11)] “Shipper” means a person that enters into a contract of transportation with a carrier.

[(12)] “Sign” means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic sound, symbol, or process.

[(13)] “Warehouse” means a person engaged in the business of storing goods for hire.”

SECTION 29. Section 490:7-106, Hawaii Revised Statutes, is amended to read as follows:

“§490:7-106 Control of electronic document of title. (a) A person [has] shall be deemed to have control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system [satisfies] shall be deemed to satisfy subsection (a), and a person [is] shall be deemed to have control of an electronic document of title, if the document is created, stored, and [assigned] transferred in [such] a manner that:

- (1) A single authoritative copy of the document exists that is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;
- (2) The authoritative copy identifies the person asserting control as:
 - (A) The person to which the document was issued; or
 - (B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;
- (3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;
- (4) Copies or amendments that add or change an identified [assignee] transferee of the authoritative copy can be made only with the consent of the person asserting control;
- (5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and
- (6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) A system shall be deemed to satisfy subsection (a), and a person shall be deemed to have control of an electronic document of title, if an authoritative electronic copy of the document; a record attached to, or logically associated with, the electronic copy; or a system in which the electronic copy is recorded:

- (1) Enables the person to readily identify each electronic copy as either an authoritative copy or a nonauthoritative copy;
- (2) Enables the person to be readily identified in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and
- (3) Gives the person exclusive power, subject to subsection (d), to:
 - (A) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and
 - (B) Transfer control of each authoritative electronic copy.

(d) Subject to subsection (e), a power shall be deemed exclusive under subsection (c)(3) regardless of whether:

- (1) The authoritative electronic copy; a record attached to, or logically associated with, the authoritative electronic copy; or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or
- (2) The power is shared with another person.

(e) A power of a person shall not be deemed to be shared with another person under subsection (d)(2) and the person's power shall not be deemed exclusive if:

- (1) The person may exercise the power only if the power is exercised by the other person; and

(2) The other person:

(A) May exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the document of title.

(f) If a person has the powers specified in subsection (c)(3), the powers shall be presumed to be exclusive.

(g) A person shall be deemed to have control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(1) Has control of the document and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(h) A person that has control under this section shall not be required to acknowledge that it has control on behalf of another person.

(i) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or any law other than this article or article 9 otherwise provides, the person shall not owe any duty to the other person and shall not be required to confirm the acknowledgment to any other person.”

SECTION 30. Section 490:8-102, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) In this article:

“Adverse claim” means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset.

“Bearer form”, as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

“Broker” means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

“Certificated security” means a security that is represented by a certificate.

“Clearing corporation” means:

(1) A person that is registered as a “clearing agency” under the federal securities laws;

(2) A federal reserve bank; or

(3) Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority.

“Communicate” means to:

(1) Send a signed ~~writing;~~ record; or

(2) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

“Entitlement holder” means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of section 490:8-501(b)(2) or (3), that person ~~is~~ shall be deemed to be the entitlement holder.

“Entitlement order” means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

“Financial asset”, except as otherwise provided in section 490:8-103, means:

- (1) A security;
- (2) An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or
- (3) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this article.

As the context requires, ~~[the term]~~ “financial asset” means either the interest itself or the means by which a person’s claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

“Good faith”, for purposes of the obligation of good faith in the performance or enforcement of contracts or duties within this article, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

“Indorsement” means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

“Instruction” means a notification communicated to the issuer of an uncertificated security ~~[which]~~ that directs that the transfer of the security be registered or that the security be redeemed.

“Registered form”, as applied to a certificated security, means a form in which:

- (1) The security certificate specifies a person entitled to the security; and
- (2) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

“Securities intermediary” means:

- (1) A clearing corporation; or
- (2) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

“Security”, except as otherwise provided in section 490:8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

- (1) ~~[Which]~~ That is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;
- (2) ~~[Which]~~ That is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and
- (3) ~~[Which:]~~ That:
 - (A) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) Is a medium for investment and by its terms expressly provides that it is a security governed by this article.

“Security certificate” means a certificate representing a security.

“Security entitlement” means the rights and property interest of an entitlement holder with respect to a financial asset specified in part 5.

“Uncertificated security” means a security that is not represented by a certificate.

(b) ~~[Other]~~ The following definitions [applying to] in this article and [the sections in which they appear are:] other articles of this chapter shall apply to this article:

“Appropriate person”. Section 490:8-107.

“Control”. Section 490:8-106.

“Controllable account”. Section 490:9-102.

“Controllable electronic record”. Section 490:A-102.

“Controllable payment intangible”. Section 490:9-102.

“Delivery”. Section 490:8-301.

“Investment company security”. Section 490:8-103.

“Issuer”. Section 490:8-201.

“Overissue”. Section 490:8-210.

“Protected purchaser”. Section 490:8-303.

“Securities account”. Section 490:8-501.”

SECTION 31. Section 490:8-103, Hawaii Revised Statutes, is amended to read as follows:

“§490:8-103 Rules for determining whether certain obligations and interests are securities or financial assets. (a) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity [is] shall be deemed a security.

(b) An “investment company security” [is] shall be deemed a security. “Investment company security” means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. ~~[Investment company security]~~ “Investment company security” does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(c) An interest in a partnership or limited liability company [is] shall not be deemed a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this article, or it is an investment company security. However, an interest in a partnership or limited liability company [is] shall be deemed a financial asset if it is held in a securities account.

(d) A writing that is a security certificate [is] shall be governed by this article and not by article 3, even though it also meets the requirements of that article. However, a negotiable instrument governed by article 3 [is] shall be deemed a financial asset if it is held in a securities account.

(e) An option or similar obligation issued by a clearing corporation to its participants [is] shall not be deemed a security, but [is] shall be deemed a financial asset.

(f) A commodity contract, as defined in section 490:9-102(a), [is] shall not be deemed a security or a financial asset.

(g) A controllable account, controllable electronic record, or controllable payment intangible shall not be deemed a financial asset unless the controllable account, controllable electronic record, or controllable payment

intangible is a property that is held by a securities intermediary for another person in a securities account and the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this article.”

SECTION 32. Section 490:8-106, Hawaii Revised Statutes, is amended to read as follows:

“§490:8-106 Control. (a) A purchaser ~~[has]~~ shall be deemed to have “control” of a certificated security in bearer form if the certificated security is delivered to the purchaser.

(b) A purchaser ~~[has]~~ shall be deemed to have “control” of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

- (1) The certificate is indorsed to the purchaser or in blank by an effective indorsement; or
- (2) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(c) A purchaser ~~[has]~~ shall be deemed to have “control” of an uncertificated security if:

- (1) The uncertificated security is delivered to the purchaser; or
- (2) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(d) A purchaser ~~[has]~~ shall be deemed to have “control” of a security entitlement if:

- (1) The purchaser becomes the entitlement holder;
- (2) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(3) ~~Another person [has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser.], other than the transferor to the purchaser of an interest in the security entitlement:~~

- (A) Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or
- (B) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(e) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder’s own securities intermediary, the securities intermediary ~~[has]~~ shall be deemed to have control.

(f) A purchaser who has satisfied the requirements of subsection (c) or (d) ~~[has]~~ shall be deemed to have control, even if the registered owner in the case of subsection (c) or the entitlement holder in the case of subsection (d) retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(g) An issuer or a securities intermediary ~~[may]~~ shall not enter into an agreement of the kind described in subsection (c)(2) or (d)(2) without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary ~~[is]~~ shall not be required to enter into ~~[such]~~ an agreement of the kind described in subsection (c)(2) or (d)(2) even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has

entered into ~~[such]~~ an agreement ~~[is]~~ of the kind described in subsection (c)(2) or (d)(2) shall not be required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

(h) A person that has control under this section shall not be required to acknowledge that it has control on behalf of a purchaser.

(i) If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this article or article 9 otherwise provides, the person shall not owe any duty to the purchaser and shall not be required to confirm the acknowledgment to any other person."

SECTION 33. Section 490:8-110, Hawaii Revised Statutes, is amended to read as follows:

"§490:8-110 Applicability; choice of law. (a) The local law of the issuer's jurisdiction, as specified in subsection (d), ~~[governs:] shall govern:~~

- (1) The validity of a security;
- (2) The rights and duties of the issuer with respect to registration of transfer;
- (3) The effectiveness of registration of transfer by the issuer;
- (4) Whether the issuer owes any duties to an adverse claimant to a security; and
- (5) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

~~in~~ subsection (e), ~~[governs:] shall govern:~~

- (1) Acquisition of a security entitlement from the securities intermediary;
- (2) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;
- (3) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and
- (4) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(c) The local law of the jurisdiction in which a security certificate is located at the time of delivery ~~[governs]~~ shall govern whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(d) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this State may specify the law of another jurisdiction as the law governing the matters specified in subsection (a)(2) to (5).

(e) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

- (1) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this article, or this chapter, that jurisdiction ~~[is]~~ shall be the securities intermediary's jurisdiction[-];
- (2) If paragraph (1) does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by

the law of a particular jurisdiction, that jurisdiction [is] shall be the securities intermediary's jurisdiction[-];

- (3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction [is] shall be the securities intermediary's jurisdiction[-];
- (4) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction [is] shall be the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located[-]; and
- (5) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction [is] shall be the jurisdiction in which the chief executive office of the securities intermediary is located.
- (f) A securities intermediary's jurisdiction [is] shall not be determined by the physical location of certificates representing financial assets, or by the jurisdiction in which ~~[is organized]~~ the issuer of the financial asset is organized with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other recordkeeping concerning the account.

(g) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction shall govern a matter or transaction specified in subsection (a) or (b) regardless of whether the matter or transaction bears any relation to the jurisdiction."

SECTION 34. Section 490:8-303, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) ~~[In addition to acquiring the rights of a purchaser, a]~~ A protected purchaser ~~[also]~~ acquires its interest in the security free of any adverse claim."

SECTION 35. Section 490:9-102, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) In this ~~[[article]]~~:

"Accession" means goods that are physically united with other goods in ~~[such]~~ a manner ~~[that]~~ in which the identity of the original goods is not lost.

"Account", except as used in "account for"[-], "account statement", "account to", "customer's account", "on account of", "statement of account", "commodity account", and "deposit account".

(1) Means a right to payment of a monetary obligation, whether or not earned by performance:

- (A) For property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of;
- (B) For services rendered or to be rendered;
- (C) For a policy of insurance issued or to be issued;
- (D) For a secondary obligation incurred or to be incurred;
- (E) For energy provided or to be provided;
- (F) For the use or hire of a vessel under a charter or other contract;
- (G) Arising out of the use of a credit or charge card or information contained on or for use with the card; or
- (H) As winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state~~[-The term includes];~~

- (2) Includes controllable accounts and health-care-insurance receivables[-]; and
- [~~(2)~~] (3) Does not include:
- (A) [~~Rights to payment evidenced by chattel paper or an instrument;~~] Chattel paper;
 - (B) Commercial tort claims;
 - (C) Deposit accounts;
 - (D) Investment property;
 - (E) Letter-of-credit rights or letters of credit; [~~or~~]
 - (F) Rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card[-]; or
 - (G) Rights to payment evidenced by an instrument.

“Account debtor” means a person obligated on an account, chattel paper, or general intangible. [~~The term~~] “Account debtor” does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument [~~constitutes part of~~] evidences chattel paper.

“Accounting”, except as used in “accounting for”, means a record:

- (1) [~~Authenticated~~] Signed by a secured party;
- (2) Indicating the aggregate unpaid secured obligations as of a date [~~not~~] no more than thirty-five days earlier or thirty-five days later than the date of the record; and
- (3) Identifying the components of the obligations in reasonable detail.

“Agricultural lien” means an interest in farm products:

- (1) [~~Which~~] That secures payment or performance of an obligation for:
 - (A) Goods or services furnished in connection with a debtor’s farming operation; or
 - (B) Rent on real property leased by a debtor in connection with its farming operation;
- (2) [~~Which~~] That is created by statute in favor of a person that:
 - (A) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor’s farming operation; or
 - (B) Leased real property to a debtor in connection with the debtor’s farming operation; and
- (3) Whose effectiveness does not depend on the person’s possession of the personal property.

“As-extracted collateral” means:

- (1) Oil, gas, or other minerals that are subject to a security interest that:
 - (A) Is created by a debtor having an interest in the minerals before extraction; and
 - (B) Attaches to the minerals as extracted; or
- (2) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

[~~“Authenticate”~~] means:

- (1) ~~To sign; or~~
- (2) ~~With present intent to adopt or accept a record, to attach or to logically associate with the record an electronic sound, symbol, or process;~~

“Assignee”, except as used in “assignee for benefit of creditors”, means a person:

- (1) In whose favor a security interest that secures an obligation is created or provided for under a security agreement, regardless of whether the obligation is outstanding; or
- (2) To which an account, chattel paper, payment intangible, or promissory note has been sold.

“Assignee” includes a person to which a security interest has been transferred by a secured party.

“Assignor” means a person that:

- (1) Under a security agreement creates or provides for a security interest that secures an obligation; or
- (2) Sells an account, chattel paper, payment intangible, or promissory note.

“Assignor” includes a secured party that has transferred a security interest to another person.

“Bank” means an organization that is engaged in the business of banking. [The term] “Bank” includes savings banks, savings and loan associations, credit unions, and trust companies.

“Cash proceeds” means proceeds that are money, checks, deposit accounts, or the like.

“Certificate of title” means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral. [The term] “Certificate of title” includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral.

“Chattel paper” means [a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, “monetary obligation” means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.] a right to payment of a monetary obligation that is either:

- (1) Secured by specific goods, if the right to payment and security agreement are evidenced by a record; or
- (2) Owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:
 - (A) The right to payment and lease agreement are evidenced by a record; and
 - (B) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

[The term] “Chattel paper” does not include[:

- (1) Charters or other contracts involving the use or hire of a vessel; or
- (2) Records that evidence] a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. [If a transaction is evidenced

~~by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.]~~

“Collateral” means the property subject to a security interest or agricultural lien. ~~[The term]~~ “Collateral” includes:

- (1) Proceeds to which a security interest attaches;
- (2) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and
- (3) Goods that are the subject of a consignment.

“Commercial tort claim” means a claim arising in tort with respect to which ~~[:]~~ the claimant is:

- (1) ~~[The claimant is an]~~ An organization; or
- (2) ~~[The claimant is an]~~ An individual and the claim:
 - (A) Arose in the course of the claimant’s business or profession; and
 - (B) Does not include damages arising out of personal injury to or the death of an individual.

“Commodity account” means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

“Commodity contract” means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

- (1) Traded on or subject to the rules of a board of trade that has been designated as a contract market for ~~[such a contract]~~ these types of contracts pursuant to federal commodities laws; or
- (2) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

“Commodity customer” means a person for which a commodity intermediary carries a commodity contract on its books.

“Commodity intermediary” means a person that:

- (1) Is registered as a futures commission merchant under federal commodities law; or
- (2) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

“Communicate” means:

- (1) To send a written or other tangible record;
- (2) To transmit a record by any means agreed upon by the persons sending and receiving the record; or
- (3) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

“Consignee” means a merchant to which goods are delivered in a consignment.

“Consignment” means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

- (1) The merchant:
 - (A) Deals in goods of that kind under a name other than the name of the person making delivery;
 - (B) Is not an auctioneer; and
 - (C) Is not generally known by its creditors to be substantially engaged in selling the goods of others;
- (2) With respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;
- (3) The goods are not consumer goods immediately before delivery; and

- (4) The transaction does not create a security interest that secures an obligation.

“Consignor” means a person that delivers goods to a consignee in a consignment.

“Consumer debtor” means a debtor in a consumer transaction.

“Consumer goods” means goods that are used or bought for use primarily for personal, family, or household purposes.

“Consumer-goods transaction” means a consumer transaction in which:

- (1) An individual incurs an obligation primarily for personal, family, or household purposes; and
- (2) A security interest in consumer goods secures the obligation.

“Consumer obligor” means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

“Consumer transaction” means a transaction in which:

- (1) An individual incurs an obligation primarily for personal, family, or household purposes[;];
- (2) A security interest secures the obligation[;]; and
- (3) The collateral is held or acquired primarily for personal, family, or household purposes.

[The term] “Consumer transaction” includes consumer-goods transactions.

“Continuation statement” means an amendment of a financing statement [which:] that:

- (1) Identifies, by its file number, the initial financing statement to which it relates; and
- (2) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

“Controllable account” means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 490:A-105 of the controllable electronic record.

“Controllable payment intangible” means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 490:A-105 of the controllable electronic record.

“Debtor” means:

- (1) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;
- (2) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or
- (3) A consignee.

“Deposit account” means a demand, time, savings, passbook, or similar account maintained with a bank. [The term] “Deposit account” does not include investment property or accounts evidenced by an instrument.

“Document” means a document of title or a receipt of the type described in section 490:7-201(b).

“Electronic [chattel paper” means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.] money” means money in an electronic form.

“Encumbrance” means a right, other than an ownership interest, in real property. [The term] “Encumbrance” includes mortgages and other liens on real property.

“Equipment” means goods other than inventory, farm products, or consumer goods.

“Farming operation” means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

“Farm products” means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and ~~which~~ that are:

- (1) Crops grown, growing, or to be grown, including:
 - (A) Crops produced on trees, vines, and bushes; and
 - (B) Aquatic goods produced in aquacultural operations;
- (2) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;
- (3) Supplies used or produced in a farming operation; or
- (4) Products of crops or livestock in their unmanufactured states.

“File number” means the number assigned to an initial financing statement pursuant to section 490:9-519(a).

“Filing office” means an office designated in section 490:9-501 as the place to file a financing statement.

“Filing-office rule” means a rule adopted pursuant to section 490:9-526.

“Financing statement” means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

“Fixture filing” means the filing of a financing statement covering goods that are or are to become fixtures and satisfying section 490:9-502(a) and (b). ~~The term~~ “Fixture filing” includes the filing of a financing statement covering goods of a transmitting utility ~~which~~ that are or are to become fixtures.

“Fixtures” means goods that have become so related to particular real property that an interest in them arises under real property law.

“General intangible” means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. ~~The term~~ “General intangible” includes controllable electronic records, payment intangibles, and software.

“Good faith” means honesty in fact and the observance of reasonable commercial standards of fair dealing.

“Goods” ~~means~~:

- (1) Means all things that are movable when a security interest attaches ~~[-The term includes:]~~;
- (2) Includes:
 - ~~(+)~~ (A) Fixtures~~[-]~~;
 - ~~(2)~~ (B) Standing timber that is to be cut and removed under a conveyance or contract for sale~~[-]~~;
 - ~~(3)~~ (C) The unborn young of animals~~[-]~~;
 - ~~(4)~~ (D) Crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; ~~and~~
 - ~~(5)~~ (E) Manufactured homes~~[-The term also includes a:]~~;
 - (F) A computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if:
 - (i) ~~the~~ The program is associated with the goods in ~~such~~ a manner ~~that~~ in which it is customarily ~~is~~ considered part of the goods~~[-]~~; or

- (ii) ~~[by]~~ By becoming the owner of the goods, a person acquires a right to use the program in connection with the goods~~[- The term does]; and~~
- (3) Does not include [a]:
- (A) A computer program embedded in goods that consist solely of the medium in which the program is embedded~~[- The term also does not include accounts,]; and~~
- (B) Accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

“Governmental unit” means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. ~~[The term]~~ “Governmental unit” includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

“Health-care-insurance receivable” means an interest in or claim under a policy of insurance that is a right to payment of a monetary obligation for health-care goods or services provided or to be provided.

“Instrument” means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. ~~[The term]~~ “Instrument” does not include:

- (1) Investment property;
- (2) Letters of credit; ~~or~~
- (3) Writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card~~[-]; or~~
- (4) Writings that evidence chattel paper.

“Inventory” means goods, other than farm products, ~~[which:]~~ that:

- (1) Are leased by a person as lessor;
- (2) Are held by a person for sale or lease or to be furnished under a contract of service;
- (3) Are furnished by a person under a contract of service; or
- (4) Consist of raw materials, work in process, or materials used or consumed in a business.

“Investment property” means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

“Jurisdiction of organization”, with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

“Letter-of-credit right” means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. ~~[The term]~~ “Letter-of-credit right” does not include the right of a beneficiary to demand payment or performance under a letter of credit.

“Lien creditor” means:

- (1) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;
- (2) An assignee for benefit of creditors from the time of assignment;
- (3) A trustee in bankruptcy from the date of the filing of the petition; or
- (4) A receiver in equity from the time of appointment.

“Manufactured home” means a structure, transportable in one or more sections, ~~[which,] that~~, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and ~~[which] that~~ is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. ~~[The term]~~ “Manufactured home” includes any structure that meets all of the requirements of this ~~[paragraph]~~ definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under ~~[Title]~~ title 42 of the United States Code.

“Manufactured-home transaction” means a secured transaction:

- (1) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or
- (2) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

“Money” has the same meaning as in section 490:1-201(b), but does not include:

- (1) A deposit account; or
- (2) Money in an electronic form that cannot be subjected to control under section 490:9-A.

“Mortgage” means a consensual interest in real property, including fixtures, ~~[which] that~~ secures payment or performance of an obligation.

“New debtor” means a person that becomes bound as debtor under section 490:9-203(d) by a security agreement previously entered into by another person.

“New value” means:

- (1) Money;
- (2) Money’s worth in property, services, or new credit; or
- (3) Release by a transferee of an interest in property previously transferred to the transferee.

~~[The term]~~ “New value” does not include an obligation substituted for another obligation.

“Noncash proceeds” means proceeds other than cash proceeds.

“Obligor” means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral:

- (1) Owes payment or other performance of the obligation;
- (2) Has provided property other than the collateral to secure payment or other performance of the obligation; or
- (3) Is otherwise accountable in whole or in part for payment or other performance of the obligation.

~~[The term]~~ “Obligor” does not include issuers or nominated persons under a letter of credit.

“Original debtor”, except as used in section 490:9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under section 490:9-203(d).

“Payment intangible” means a general intangible under which the account debtor’s principal obligation is a monetary obligation. “Payment intangible” includes a controllable payment intangible.

“Person related to”, with respect to an individual, means:

- (1) The spouse of the individual;
- (2) A brother, brother-in-law, sister, or sister-in-law of the individual;

- (3) An ancestor or lineal descendant of the individual or the individual's spouse; or
- (4) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

“Person related to”, with respect to an organization, means:

- (1) A person directly or indirectly controlling, controlled by, or under common control with the organization;
- (2) An officer or director of, or a person performing similar functions with respect to, the organization;
- (3) An officer or director of, or a person performing similar functions with respect to, a person described in paragraph (1);
- (4) The spouse of an individual described in paragraph (1), (2), or (3); or
- (5) An individual who is related by blood or marriage to an individual described in paragraph (1), (2), (3), or (4) and shares the same home with the individual.

“Proceeds”, except as used in section 490:9-609(b), means the following property:

- (1) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;
- (2) Whatever is collected on, or distributed on account of, collateral;
- (3) Rights arising out of collateral;
- (4) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or
- (5) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

“Promissory note” means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

“Proposal” means a record ~~[authenticated]~~ signed by a secured party ~~[which]~~ that includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 490:9-620, 490:9-621, and 490:9-622.

“Public-finance transaction” means a secured transaction in connection with which:

- (1) Debt securities are issued;
- (2) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and
- (3) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

“Public organic record” means a record that is available to the public for inspection and is:

- (1) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States that amends or restates the initial record;
- (2) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state that amends or

restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

- (3) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States that forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States that amends or restates the name of the organization.

“Pursuant to commitment”, with respect to an advance made or other value given by a secured party, means pursuant to the secured party’s obligation, whether or not a subsequent event of default or other event not within the secured party’s control has relieved or may relieve the secured party from its obligation.

“Record”, except as used in “for record”, “of record”, “record or legal title”, and “record owner”, means information that is inscribed on a tangible medium or [which] that is stored in an electronic or other medium and is retrievable in perceivable form.

“Registered organization” means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. [~~The term~~] “Registered organization” includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust’s organic record be filed with the state.

“Secondary obligor” means an obligor to the extent that:

- (1) The obligor’s obligation is secondary; or
- (2) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

“Secured party” means:

- (1) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
- (2) A person that holds an agricultural lien;
- (3) A consignor;
- (4) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;
- (5) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or
- (6) A person that holds a security interest arising under section 490:2-401, 490:2-505, 490:2-711(3), 490:2A-508(e), 490:4-210, or 490:5-118.

“Security agreement” means an agreement that creates or provides for a security interest.

[~~“Send”, in connection with a record or notification, means:~~

- (1) ~~To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~
- (2) ~~To cause the record or notification to be received within the time that it would have been received if properly sent under paragraph (1).]~~

“Software” means a computer program and any supporting information provided in connection with a transaction relating to the program. [~~The term~~]

“Software” does not include a computer program that is included in the definition of goods.

“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.

“Supporting obligation” means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

~~“Tangible [chattel paper” means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.] money” means money in a tangible form.~~

“Termination statement” means an amendment of a financing statement [which:] that:

- (1) Identifies, by its file number, the initial financing statement to which it relates; and
- (2) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

“Transmitting utility” means a person primarily engaged in the business of:

- (1) Operating a railroad, subway, street railway, or trolley bus;
- (2) Transmitting communications electrically, electromagnetically, or by light;
- (3) Transmitting goods by pipeline or sewer; or
- (4) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) The following definitions in other articles apply to this article:

“Applicant”. Section 490:5-102.

“Beneficiary”. Section 490:5-102.

“Broker”. Section 490:8-102.

“Certificated security”. Section 490:8-102.

“Check”. Section 490:3-104.

“Clearing corporation”. Section 490:8-102.

“Contract for sale”. Section 490:2-106.

“Control”. Section 490:7-106.

“Controllable electronic record”. Section 490:A-102.

“Customer”. Section 490:4-104.

“Entitlement holder”. Section 490:8-102.

“Financial asset”. Section 490:8-102.

“Holder in due course”. Section 490:3-302.

“Issuer” (with respect to a letter of credit or letter-of-credit right). Section 490:5-102.

“Issuer” (with respect to a security). Section 490:8-201.

“Issuer” (with respect to documents of title). Section 490:7-102.

“Lease”. Section 490:2A-103.

“Lease agreement”. Section 490:2A-103.

“Lease contract”. Section 490:2A-103.

“Leasehold interest”. Section 490:2A-103.

“Lessee”. Section 490:2A-103.

“Lessee in ordinary course of business”. Section 490:2A-103.

“Lessor”. Section 490:2A-103.

“Lessor’s residual interest”. Section 490:2A-103.

“Letter of credit”. Section 490:5-102.

“Merchant”. Section 490:2-104.

“Negotiable instrument”. Section 490:3-104.

“Nominated person”. Section 490:5-102.

- “Note”. Section 490:3-104.
- “Proceeds of a letter of credit”. Section 490:5-114.
- “Protected purchaser”. Section 490:8-303.
- “Prove”. Section 490:3-103.
- “Qualifying purchaser”. Section 490:A-102.
- “Sale”. Section 490:2-106.
- “Securities account”. Section 490:8-501.
- “Securities intermediary”. Section 490:8-102.
- “Security”. Section 490:8-102.
- “Security certificate”. Section 490:8-102.
- “Security entitlement”. Section 490:8-102.
- “Uncertificated security”. Section 490:8-102.”

SECTION 36. Section 490:9-104, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A secured party ~~has~~ shall be deemed to have control of a deposit account if:

- (1) The secured party is the bank with which the deposit account is maintained;
- (2) The debtor, secured party, and bank have agreed in ~~[an authenticated]~~ a signed record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ~~[or]~~
- (3) The secured party becomes the bank’s customer with respect to the deposit account~~[-]; or~~
- (4) Another person, other than the debtor:
 - (A) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or
 - (B) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.”

SECTION 37. Section 490:9-105, Hawaii Revised Statutes, is amended to read as follows:

“**§490:9-105 Control of electronic copy of record evidencing chattel paper.** (a) A ~~[secured party has]~~ purchaser shall be deemed to have control of ~~[electronic]~~ an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the ~~[transfer]~~ assignment of interests in the chattel paper reliably establishes the ~~[secured party]~~ purchaser as the person to which ~~[the chattel paper]~~ the authoritative electronic copy was assigned.

(b) A system ~~[satisfies]~~ shall be deemed to satisfy subsection (a) if the record ~~[or records comprising]~~ evidencing the chattel paper ~~[are]~~ is created, stored, and assigned in ~~[such]~~ a manner that:

- (1) A single authoritative copy of the record ~~[or records]~~ exists ~~[which]~~ that is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;
- (2) The authoritative copy identifies the ~~[secured party]~~ purchaser as the assignee of the record ~~[or records]~~;
- (3) The authoritative copy is communicated to, and maintained by, the ~~[secured party]~~ purchaser or its designated custodian;
- (4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the ~~[secured party;]~~ purchaser;

- (5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and
- (6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) A system shall be deemed to satisfy subsection (a), and a purchaser shall be deemed to have control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to, or logically associated with, the electronic copy, or a system in which the electronic copy is recorded:

- (1) Enables the purchaser to readily identify each electronic copy as either an authoritative copy or a nonauthoritative copy;
- (2) Enables the purchaser to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and
- (3) Gives the purchaser exclusive power, subject to subsection (d), to:
 - (A) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and
 - (B) Transfer control of the authoritative electronic copy.

(d) Subject to subsection (e), a power shall be deemed exclusive under subsection (c)(3), regardless of whether:

- (1) The authoritative electronic copy; a record attached to, or logically associated with, the authoritative electronic copy; or a system in which the authoritative electronic copy is recorded, limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or
- (2) The power is shared with another person.

(e) A power of a purchaser shall not be deemed to be shared with another person under subsection (d)(2) and the purchaser's power shall not be deemed exclusive if:

- (1) The purchaser may exercise the power only if the power is also exercised by the other person; and
- (2) The other person:
 - (A) May exercise the power without exercise of the power by the purchaser; or
 - (B) Is the transferor to the purchaser of an interest in the chattel paper.

(f) If a purchaser has the powers specified in subsection (c)(3), the powers shall be presumed to be exclusive.

(g) A purchaser shall be deemed to have control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

- (1) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or
- (2) Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.”

SECTION 38. Section 490:9-203, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Except as otherwise provided in subsections (c) through (i), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

- (1) Value has been given;

- (2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and
- (3) One of the following conditions is met:
 - (A) The debtor has ~~authenticated~~ signed a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;
 - (B) The collateral is not a certificated security and is in the possession of the secured party under section 490:9-313 pursuant to the debtor's security agreement;
 - (C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under section 490:8-301 pursuant to the debtor's security agreement; ~~[or]~~
 - (D) The collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic ~~[chattel paper,]~~ documents, electronic money, investment property, or letter-of-credit rights, ~~[or electronic documents,]~~ and the secured party has control under section 490:7-106, 490:9-104, ~~[490:9-105,]~~ 490:9-A, 490:9-106, ~~[or]~~ 490:9-107, or 490:9-B pursuant to the debtor's security agreement~~[-]; or~~
 - (E) The collateral is chattel paper and the secured party has possession and control under section 490:9-F pursuant to the debtor's security agreement."

SECTION 39. Section 490:9-204, Hawaii Revised Statutes, is amended to read as follows:

“§490:9-204 After-acquired property; future advances. (a) Except as otherwise provided in subsection (b), a security agreement may create or provide for a security interest in after-acquired collateral.

(b) ~~[A]~~ Subject to subsection (d), a security interest does not attach under a term constituting an after-acquired property clause to:

- (1) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten days after the secured party gives value; or
- (2) A commercial tort claim.

(c) A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

(d) Nothing in subsection (b) shall prevent a security interest from attaching:

- (1) To consumer goods as proceeds under section 490:9-315(a) or commingled goods under section 490:9-336(c);
- (2) To a commercial tort claim as proceeds under section 490:9-315(a);
or
- (3) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.”

SECTION 40. Section 490:9-207, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under section 490:7-106, 490:9-104, 490:9-105, 490:9-A, 490:9-106, ~~[or] 490:9-107[;]~~, or 490:9-B:

- (1) May hold as additional security any proceeds, except money or funds, received from the collateral;
- (2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and
- (3) May create a security interest in the collateral.”

SECTION 41. Section 490:9-208, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Within ten days after receiving ~~[an authenticated]~~ a signed demand by the debtor:

- (1) A secured party having control of a deposit account under section 490:9-104(a)(2) shall send to the bank with which the deposit account is maintained ~~[an authenticated statement]~~ a signed record that releases the bank from any further obligation to comply with instructions originated by the secured party;
- (2) A secured party having control of a deposit account under section 490:9-104(a)(3) shall:
 - (A) Pay the debtor the balance on deposit in the deposit account; or
 - (B) Transfer the balance on deposit into a deposit account in the debtor’s name;
- (3) A secured party, other than a buyer, having control ~~[of electronic chattel paper]~~ under section 490:9-105 ~~[shall:~~
 - (A) Communicate the] of an authoritative electronic copy of [the electronic] a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or [its] a person designated [custodian;
 - (B) ~~If] by the debtor [designates a custodian that is the designated eustodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~
 - (C) ~~Take appropriate action to enable the debtor or its designated eustodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party];~~
- (4) A secured party having control of investment property under section 490:8-106(d)(2) or 490:9-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~[an authenticated]~~ a signed record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;
- (5) A secured party having control of a letter-of-credit right under section 490:9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~[an authenticated]~~ a signed release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~[and]~~

- (6) A secured party having control under section 490:7-106 of an authoritative electronic copy of an electronic document shall[-]:
 - (A) ~~Give~~ transfer control of the electronic [document] copy to the debtor or [its] a person designated [eustodian];
 - (B) ~~If~~ by the debtor [~~designates a custodian that is the designated eustodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated eustodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~];
 - (C) Take appropriate action to enable the debtor or its designated eustodian to make copies of or revisions to the authoritative copy that add or change an identified assignee of the authoritative copy without the consent of the secured party.];
- (7) A secured party having control under section 490:9-A of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and
- (8) A secured party having control under section 490:A-105 of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.”

SECTION 42. Section 490:9-209, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Within ten days after receiving [~~an authenticated~~] a signed demand by the debtor, a secured party shall send to an account debtor that has received notification under section 490:9-406(a) or 490:A-106(b) of an assignment to the secured party as assignee [~~under section 490:9-406(a) an authenticated~~] a signed record that releases the account debtor from any further obligation to the secured party.”

SECTION 43. Section 490:9-301, Hawaii Revised Statutes, is amended to read as follows:

“§490:9-301 Law governing perfection and priority of security interests. Except as otherwise provided in sections 490:9-303 through [~~490:9-306,~~] 490:9-E, the following rules shall determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

- (1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral[-];
- (2) While collateral is located in a jurisdiction, the local law of that jurisdiction [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral[-];
- (3) Except as otherwise provided in paragraph (4), while [~~tangible~~] negotiable tangible documents, goods, instruments, or tangible money[-; ~~or tangible chattel paper~~] is located in a jurisdiction, the local law of that jurisdiction [~~governs~~] shall govern:

- (A) Perfection of a security interest in the goods by filing a fixture filing;
 - (B) Perfection of a security interest in timber to be cut; and
 - (C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral[-]; and
- (4) The local law of the jurisdiction in which the wellhead or minehead is located [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.”

SECTION 44. Section 490:9-304, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The local law of a bank’s jurisdiction [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank[-] even if the transaction does not bear any relation to the bank’s jurisdiction.”

SECTION 45. Section 490:9-305, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in subsection (c), the following rules apply:

- (1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby[-];
- (2) The local law of the issuer’s jurisdiction as specified in section 490:8-110(d) [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security[-];
- (3) The local law of the securities intermediary’s jurisdiction as specified in section 490:8-110(e) [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account[-];
- (4) The local law of the commodity intermediary’s jurisdiction [~~governs~~] shall govern perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account[-]; and
- (5) Paragraphs (2), (3), and (4) shall apply regardless of whether the transaction bears any relation to the jurisdiction.”

SECTION 46. Section 490:9-310, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The filing of a financing statement [~~is~~] shall not be necessary to perfect a security interest:

- (1) That is perfected under section 490:9-308(d), (e), (f), or (g);
- (2) That is perfected under section 490:9-309 when it attaches;
- (3) In property subject to a statute, regulation, or treaty described in section 490:9-311(a);
- (4) In goods in possession of a bailee [~~which is~~] perfected under section 490:9-312(d)(1) or (2);
- (5) In certificated securities, documents, goods, or instruments [~~which is~~] perfected without filing, control, or possession under section 490:9-312(e), (f), or (g);

- (6) In collateral in the secured party's possession under section 490:9-313;
- (7) In a certificated security [~~which is~~] perfected by delivery of the security certificate to the secured party under section 490:9-313;
- (8) In controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, [~~electronic chattel paper,~~] electronic documents, investment property, or letter-of-credit rights [~~which is~~] perfected by control under section 490:9-314;
- (9) In chattel paper perfected by possession and control under section 490:9-F;
- (10) In proceeds [~~which is~~] perfected under section 490:9-315; or
- ~~[(10)]~~ (11) That is perfected under section 490:9-316.”

SECTION 47. Section 490:9-312, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsections (a) and (b) to read:

“§490:9-312 Perfection of security interests in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money; perfection by permissive filing; temporary perfection without filing or transfer of possession. (a) A security interest in chattel paper, [~~negotiable documents;~~] controllable accounts, controllable electronic records, controllable payment intangibles, instruments, [~~or~~] investment property, or negotiable documents may be perfected by filing.

(b) Except as otherwise provided in section 490:9-315(c) and (d) for proceeds:

- (1) A security interest in a deposit account may be perfected only by control under section 490:9-314;
- (2) And except as otherwise provided in section 490:9-308(d), a security interest in a letter-of-credit right may be perfected only by control under section 490:9-314; [~~and~~]
- (3) A security interest in tangible money may be perfected only by the secured party's taking possession under section 490:9-313[-]; and
- (4) A security interest in electronic money may be perfected only by control under section 490:9-314.”

2. By amending subsection (e) to read:

“(e) A security interest in certificated securities, negotiable documents, or instruments [~~is~~] shall be deemed to be perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under [~~an authenticated~~] a signed security agreement.”

SECTION 48. Section 490:9-313, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Except as otherwise provided in subsection (b), a secured party may perfect a security interest in [~~tangible negotiable documents;~~] goods, instruments, negotiable tangible documents, or tangible money[-; or tangible chattel paper] by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under section 490:8-301.”

2. By amending subsection (c) to read:

“(c) With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in

the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when~~[-]~~ the person:

- (1) ~~[The person in]~~ In possession ~~[authenticates]~~ signs a record acknowledging that it holds possession of the collateral for the secured party's benefit; or
- (2) ~~[The person takes]~~ Takes possession of the collateral after having ~~[authenticated]~~ signed a record acknowledging that it will hold possession of the collateral for the secured party's benefit."

SECTION 49. Section 490:9-314, Hawaii Revised Statutes, is amended to read as follows:

"§490:9-314 Perfection by control. (a) A security interest in ~~[investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents]~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights may be perfected by control of the collateral under section 490:7-106, 490:9-104, ~~[490:9-105,]~~ 490:9-A, 490:9-106, ~~[or]~~ 490:9-107~~[-]~~, or 490:9-B.

(b) A security interest in ~~[deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents is]~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, or letter-of-credit rights shall be deemed perfected by control under section 490:7-106, 490:9-104, ~~[490:9-105, or] 490:9-A, 490:9-107~~ ~~[when]~~, or 490:9-B no earlier than the time the secured party obtains control and ~~[remains]~~ shall be deemed to remain perfected by control only while the secured party retains control.

(c) A security interest in investment property ~~[is]~~ shall be deemed perfected by control under section 490:9-106 ~~[from]~~ no earlier than the time the secured party obtains control and ~~[remains]~~ shall be deemed to remain perfected by control until:

- (1) The secured party does not have control; and
- (2) One of the following occurs:
 - (A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;
 - (B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or
 - (C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder."

SECTION 50. Section 490:9-316, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

~~"(a) A security interest perfected pursuant to the law of the jurisdiction designated in section 490:9-301(1) [or], 490:9-305(c) [remains], 490:9-D(d), or 490:9-E(b) shall be deemed to remain~~ perfected until the earliest of:

- (1) The time perfection would have ceased under the law of that jurisdiction;
- (2) The expiration of four months after a change of the debtor's location to another jurisdiction; or
- (3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction."

2. By amending subsection (f) to read:

“(f) A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, letter-of-credit rights, or investment property [which] that is perfected under the law of the chattel paper’s jurisdiction, the controllable electronic record’s jurisdiction, the bank’s jurisdiction, the issuer’s jurisdiction, a nominated person’s jurisdiction, the securities intermediary’s jurisdiction, or the commodity intermediary’s jurisdiction, as applicable, [remains] shall be deemed to remain perfected until the earlier of:

- (1) The time the security interest would have become unperfected under the law of that jurisdiction; or
- (2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.”

SECTION 51. Section 490:9-317, Hawaii Revised Statutes, is amended to read as follows:

“**§490:9-317 Interests that take priority over or take free of security interest or agricultural lien.** (a) A security interest or agricultural lien [is] shall be subordinate to the rights of:

- (1) A person entitled to priority under section 490:9-322; and
- (2) Except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:
 - (A) The security interest or agricultural lien is perfected; or
 - (B) One of the conditions specified in section 490:9-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) Except as otherwise provided in subsection (e), a buyer, other than a secured party, of [~~tangible chattel paper, tangible documents,~~] goods, instruments, tangible documents, or certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) [A] Subject to subsections (f) through (i), a licensee of a general intangible or a buyer, other than a secured party, of collateral other than [~~tangible chattel paper, tangible documents,~~] electronic money, goods, instruments, tangible documents, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Except as otherwise provided in sections 490:9-320 and 490:9-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

(f) A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

- (1) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and
- (2) If each authoritative electronic copy of the record evidencing the chattel paper may be subjected to control under section 490:9-105, obtains control of each authoritative electronic copy.

(g) A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document may be subjected to control under section 490:7-106, obtains control of each authoritative electronic copy.

(h) A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

(i) A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.”

SECTION 52. Section 490:9-323, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

“(d) Except as otherwise provided in subsection (e), a buyer of goods ~~[other than a buyer in ordinary course of business]~~ takes free of a security interest to the extent that it secures advances made after the earlier of:

- (1) The time the secured party acquires knowledge of the buyer’s purchase; or
- (2) Forty-five days after the purchase.”

2. By amending subsection (f) to read:

“(f) Except as otherwise provided in subsection (g), a lessee of goods ~~;~~ ~~other than a lessee in ordinary course of business;~~ takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

- (1) The time the secured party acquires knowledge of the lease; or
- (2) Forty-five days after the lease contract becomes enforceable.”

SECTION 53. Section 490:9-330, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

“(a) A purchaser of chattel paper ~~[has]~~ shall have priority over a security interest in the chattel paper ~~[which]~~ that is claimed merely as proceeds of inventory subject to a security interest if:

- (1) In good faith and in the ordinary course of the purchaser’s business, the purchaser gives new value ~~[and]~~, takes possession of each authoritative tangible copy of the record evidencing the chattel paper [øf], and obtains control [øf] under section 490:9-105 of each authoritative electronic copy of the record evidencing the chattel paper [under section 490:9-105]; and
- (2) The ~~[chattel paper does]~~ authoritative copies of the record evidencing the chattel paper do not indicate that [it] the chattel paper has been assigned to an identified assignee other than the purchaser.

(b) A purchaser of chattel paper ~~[has]~~ shall have priority over a security interest in the chattel paper ~~[which]~~ that is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~[and]~~, takes possession of each authoritative tangible copy of the record evidencing the chattel paper [øf], and obtains control [øf] under section 490:9-105 of each authoritative electronic copy of the record evidencing the chattel paper [under section 490:9-105] in good faith, in the ordinary course of the purchaser’s

business, and without knowledge that the purchase violates the rights of the secured party.”

2. By amending subsection (f) to read:

“(f) For purposes of subsections (b) and (d), if the authoritative copies of the record evidencing chattel paper or an instrument [~~indicates~~] indicate that [~~it~~] the chattel paper or instrument has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.”

SECTION 54. Section 490:9-331, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:

“**§490:9-331 Priority of rights of purchasers of [~~instruments,] controllable accounts, controllable electronic records, controllable payment intangibles, documents, instruments, and securities under other articles; priority of interests in financial assets and security entitlements and protection against assertion of claim under [~~article] articles 8[-] and A.~~~~** (a) This article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, [~~or~~] a protected purchaser of a security[-], or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in articles 3, 7, [~~and~~] 8[-], and A.

(b) This article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under article 8[-] or A.”

SECTION 55. Section 490:9-332, Hawaii Revised Statutes, is amended to read as follows:

“**§490:9-332 Transfer of money; transfer of funds from deposit account.** (a) A transferee of tangible money takes the money free of a security interest [~~unless the transferee acts~~] if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(b) A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account [~~unless the transferee acts~~] if the transferee receives the funds without acting in collusion with the debtor in violating the rights of the secured party.

(c) A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.”

SECTION 56. Section 490:9-406, Hawaii Revised Statutes, is amended to read as follows:

“**§490:9-406 Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.** (a) Subject to subsections (b) through [~~(i);~~] (j), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, [~~authenticated~~] signed by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) Subject to ~~[subsection]~~ subsections (h)[:] and (j), notification [is] shall be deemed ineffective under subsection (a):

- (1) If it does not reasonably identify the rights assigned;
- (2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or
- (3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:
 - (A) Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;
 - (B) A portion has been assigned to another assignee; or
 - (C) The account debtor knows that the assignment to that assignee is limited.

(c) Subject to ~~[subsection]~~ subsections (h)[:] and (j), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) In this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper. Except as otherwise provided in subsection (e) and sections 490:2A-303 and 490:9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note [is] shall be deemed ineffective to the extent that it:

- (1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or
- (2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under section 490:9-610 or an acceptance of collateral under section 490:9-620.

(f) Except as otherwise provided in sections 490:2A-303 and 490:9-407, and subject to subsections (h) and (i), a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper [is] shall be ineffective to the extent that the rule of law, statute, or regulation:

- (1) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or
- (2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subject to ~~[subsection]~~ subsections (h)[:] and (j), an account debtor may not waive or vary its option under subsection (b)(3).

(h) This section is subject to law other than this article [~~which~~] that establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) This section does not apply to an assignment of a health-care-insurance receivable.

(j) Subsections (a), (b), (c), and (g) shall not apply to a controllable account or controllable payment intangible.”

SECTION 57. Section 490:9-408, Hawaii Revised Statutes, is amended to read as follows:

“§490:9-408 Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective. (a) Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor and a debtor [~~which~~] that relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, [~~and which term~~] that prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, [is] shall be deemed ineffective to the extent that the term:

- (1) Would impair the creation, attachment, or perfection of a security interest; or
- (2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Subsection (a) [~~applies~~] shall apply to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under section 490:9-610 or an acceptance of collateral under section 490:9-620.

(c) A rule of law, statute, or regulation[?] that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, [is] shall be deemed ineffective to the extent that the rule of law, statute, or regulation:

- (1) Would impair the creation, attachment, or perfection of a security interest; or
- (2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor [~~which~~] that relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this article but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible[?] shall not:

- (1) ~~[Is not]~~ Be enforceable against the person obligated on the promissory note or the account debtor;
- (2) ~~[Does not impose]~~ Impose a duty or obligation on the person obligated on the promissory note or the account debtor;
- (3) ~~[Does not require]~~ Require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;
- (4) ~~[Does not entitle]~~ Entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;
- (5) ~~[Does not entitle]~~ Entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and
- (6) ~~[Does not entitle]~~ Entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) In this section, "promissory note" includes a negotiable instrument that evidences chattel paper."

SECTION 58. Section 490:9-601, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A secured party in possession of collateral or control of collateral under section 490:7-106, 490:9-104, 490:9-105, 490:9-A, 490:9-106, [ø] 490:9-107 [has], or 490:9-B shall have the rights and duties provided in section 490:9-207."

SECTION 59. Section 490:9-605, Hawaii Revised Statutes, is amended to read as follows:

"§490:9-605 Unknown debtor or secondary obligor. [A] (a) Except as provided in subsection (b), a secured party [does] shall not owe a duty based on its status as secured party:

- (1) To a person that is a debtor or obligor, unless the secured party knows:
 - (A) That the person is a debtor or obligor;
 - (B) The identity of the person; and
 - (C) How to communicate with the person; or
- (2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:
 - (A) That the person is a debtor; and
 - (B) The identity of the person.

(b) A secured party shall be deemed to owe a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

- (1) The person is a debtor or obligor; and
- (2) The secured party knows that the information in subsection (a)(1) relating to the person is not provided by the collateral; a record attached to, or logically associated with, the collateral; or the system in which the collateral is recorded."

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: (Name of debtor, obligor, or other person to which the notification is sent)

From: (Name, address, and telephone number of secured party)

(1) Name of any debtor that is not an addressee: (Name of each debtor)

(2) We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

(3) We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

(4) You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.

(5) If you request an accounting, you must pay a charge of \$ (amount).

(6) You may request an accounting by calling us at (telephone number).

(b) The following instructions shall apply to the form of notification in subsection (a)(5):

(1) The instructions in this subsection refer to the numbers in parentheses before items in the form of notification in subsection (a)(5). Do not include the numbers or parentheses in the notification. The numbers and parentheses are used only for the purpose of these instructions:

(2) Include and complete item (1) only if there is a debtor that is not an addressee of the notification and list the name or names;

(3) Include and complete either item (2), if the notification relates to a public disposition of the collateral, or item (3), if the notification relates to a private disposition of the collateral. If item (2) is included, include the words "to the highest qualified bidder" only if applicable;

(4) Include and complete items (4) and (6); and

(5) Include and complete item (5) only if the sender will charge the recipient for an accounting."

SECTION 61. Section 490:9-614, Hawaii Revised Statutes, is amended to read as follows:

"§490:9-614 Contents and form of notification before disposition of collateral: consumer-goods transaction. (a) In a consumer-goods transaction, the following rules shall apply:

(1) A notification of disposition [~~must~~] shall provide the following information:

(A) The information specified in section [~~490:9-613(1);~~] 490:9-613(a)(1);

(B) A description of any liability for a deficiency of the person to which the notification is sent;

(C) A telephone number from which the amount that [~~must~~] shall be paid to the secured party to redeem the collateral under section 490:9-623 is available; and

- (D) A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available[-];
- (2) A particular phrasing of the notification [is] shall not be required[-];
- (3) The following form of notification, when completed[-, provides] in accordance with the instructions in subsection (b), shall be deemed to provide sufficient information:
 [____ [Name and address of secured party]
 ____ [Date]

NOTICE OF OUR PLAN TO SELL PROPERTY

____ Name and address of any obligor who is also a debtor]

Subject: ____ [Identification of Transaction]

~~We have your [describe collateral]____, because you broke promises in our agreement.~~

~~[For a public disposition:]~~

~~We will sell [describe collateral]____ at public sale sometime after ____ [date]____. A sale could include a lease or license.~~

~~The sale will be held as follows:~~

~~Day and Date: _____~~

~~Time: _____~~

~~Place: _____~~

~~You may attend the sale and bring bidders if you want.~~

~~[For a private disposition:]~~

~~We will sell [describe collateral]____ at private sale sometime after ____ [date]____. A sale could include a lease or license.~~

~~The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you [will or will not, as applicable]____ still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.~~

~~You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at [telephone number]____.~~

~~If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at [telephone number]____ [or write us at [secured party's address]____] and request a written explanation. [We will charge you \$_____ for the explanation if we sent you another written explanation of the amount you owe us within the last six months.]~~

~~If you need more information about the sale call us at [telephone number]____ [or write us at [secured party's address]____].~~

~~We are sending this notice to the following other people who have an interest in [describe collateral]____ or who owe money under your agreement:~~

~~____ [Names of all other debtors and obligors, if any]____.]~~

~~(Name and address of secured party)~~

~~(Date)~~

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral) because you broke promises in our agreement.

(1) We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

(2) We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

(3) The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

(4) You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

(5) If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, (6)² call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) (7)² and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

(8) We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

(9) If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

(10) We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any).

(4) A notification in the form of paragraph (3) [is] shall be deemed sufficient, even if additional information appears at the end of the form[-];

(5) A notification in the form of paragraph (3) [is] shall be deemed sufficient, even if it includes errors in information not required by paragraph (1), unless the error is misleading with respect to rights arising under this article[-]; and

(6) If a notification under this section is not in the form of paragraph (3), law other than this article [~~determines~~] shall determine the effect of including information not required by paragraph (1).

(b) The following instructions shall apply to the form of notification in subsection (a)(3):

(1) The instructions in this subsection refer to the numbers in parentheses before items in the form of notification in subsection (a)(3). Do not include the numbers or parentheses in the notification.

The numbers and parentheses are used only for the purpose of these instructions:

- (2) Include and complete either item (1), if the notification relates to a public disposition of the collateral, or item (2), if the notification relates to a private disposition of the collateral;
- (3) Include and complete items (3), (4), (5), (6), and (7);
- (4) In item (5), include and complete any one of the three alternative methods for the explanation--writing, writing or electronic record, or electronic record;
- (5) In item (6), include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication--writing or electronic communication--for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included;
- (6) In item (7), include and complete the method or methods for the explanation--writing, writing or electronic record, or electronic record--included in item (5);
- (7) Include and complete item (8) only if a written explanation is included in item (5) as a method for communicating the explanation and the sender shall charge the recipient for another written explanation;
- (8) In item (9), include either the telephone number or the address, or both. In addition, the sender may include and complete the additional method of communication--electronic communication--for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included; and
- (9) If item (10) does not apply, insert "None" after "agreement:."

SECTION 62. Section 490:9-616, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

“(a) In this section:

- (1) “Explanation” means a [~~writing~~] record that:
 - (A) States the amount of the surplus or deficiency;
 - (B) Provides an explanation in accordance with subsection (c) of how the secured party calculated the surplus or deficiency;
 - (C) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and
 - (D) Provides a telephone number or mailing address from which additional information concerning the transaction is available.
- (2) “Request” means a record:
 - (A) [~~Authenticated~~] Signed by a debtor or consumer obligor;
 - (B) Requesting that the recipient provide an explanation; and
 - (C) Sent after disposition of the collateral under section 490:9-610.

(b) In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under section 490:9-615, the secured party shall:

- (1) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:
 - (A) Before or when the secured party accounts to the debtor and pays any surplus or first makes [~~written~~] a demand in a record

- on the consumer obligor after the disposition for payment of the deficiency; and
- (B) Within fourteen days after receipt of a request; or
 - (2) In the case of a consumer obligor who is liable for a deficiency, within fourteen days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.
 - (c) To comply with subsection (a)(1)(B), ~~[a writing must]~~ an explanation shall provide the following information in the following order:
 - (1) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:
 - (A) If the secured party takes or receives possession of the collateral after default, ~~[not]~~ no more than thirty-five days before the secured party takes or receives possession; or
 - (B) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, ~~[not]~~ no more than thirty-five days before the disposition;
 - (2) The amount of proceeds of the disposition;
 - (3) The aggregate amount of the obligations after deducting the amount of proceeds;
 - (4) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorney's fees secured by the collateral ~~[which]~~ that are known to the secured party and relate to the current disposition;
 - (5) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and ~~[which]~~ that are not reflected in the amount in paragraph (1); and
 - (6) The amount of the surplus or deficiency.”

SECTION 63. Section 490:9-628, Hawaii Revised Statutes, is amended to read as follows:

“§490:9-628 Nonliability and limitation on liability of secured party; liability of secondary obligor. (a) ~~[Unless]~~ Subject to subsection (f), unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

- (1) The secured party ~~[is]~~ shall not be liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this article; and
- (2) The secured party's failure to comply with this article ~~[does]~~ shall not affect the liability of the person for a deficiency.
- (b) ~~[A]~~ Subject to subsection (f), a secured party [is] shall not be liable because of its the² status as secured party~~[:]~~ to:
 - (1) ~~[To a]~~ A person that is a debtor or obligor, unless the secured party knows:
 - (A) That the person is a debtor or obligor;
 - (B) The identity of the person; and
 - (C) How to communicate with the person; or
 - (2) ~~[To a]~~ A secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:
 - (A) That the person is a debtor; and
 - (B) The identity of the person.

(c) A secured party [is] shall not be liable to any person, and a person's liability for a deficiency [is] shall not be affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its the² reasonable reliance on:

- (1) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or
- (2) An obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) A secured party [is] shall not be liable to any person under section 490:9-625(c)(2) for its failure to comply with section 490:9-616.

(e) A secured party [is] shall not be liable under section 490:9-625(c)(2) more than once with respect to any one secured obligation.

(f) Subsections (a) and (b) shall not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

- (1) The person is a debtor or obligor; and
- (2) The secured party knows that the information in subsection (b)(1) relating to the person is not provided by the collateral; a record attached to, or logically associated with, the collateral; or the system in which the collateral is recorded."

SECTION 64. (a) Sections 490:2-203, 490:2-205, 490:2A-201, 490:2A-203, 490:2A-205, 490:2A-208, 490:4A-207, and 490:4A-208, Hawaii Revised Statutes, are amended by substituting the phrase "record" wherever the phrase "writing" appears.

(b) Sections 490:9-210, 490:9-324, 490:9-334, 490:9-341, 490:9-404, 490:9-509, 490:9-513, 490:9-608, 490:9-611, 490:9-615, 490:9-619, 490:9-620, 490:9-621, and 490:9-624, Hawaii Revised Statutes, are amended by substituting the phrases "signed" or "signing" wherever the phrase "authenticated" or "authenticating" appears.

SECTION 65. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 66. In codifying the new articles and sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate article and section numbers for the letters used in designating the new articles and sections in this Act.

SECTION 67. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 68. This Act shall take effect upon its approval.

(Approved June 29, 2023.)

Notes

1. Comma should not be underscored.
2. So in original.
3. Edited pursuant to HRS §23G-16.5.

ACT 133

H.B. NO. 451

A Bill for an Act Relating to Incarcerated Individuals.

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

SECTION 1. The purpose of this Act is to amend Act 125, Session Laws of Hawaii 2022, to extend the time to expend appropriations for the establishment of a pilot visitation and family resource center at Waiawa correctional facility on Oahu, and make conforming amendments related to the establishment of the department of corrections and rehabilitation.

SECTION 2. Act 125, Session Laws of Hawaii 2022, is amended by amending sections 3 and 4 to read as follows:

“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.

The appropriation made by this section for fiscal year 2022-2023 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 as of the close of business on June 30, 2024, shall lapse on that date.

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 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 or its successor department of corrections and rehabilitation for the purposes of this Act.

The appropriation made by this section for fiscal year 2022-2023 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 as of the close of business on December 31, 2023, shall be transferred to the department of corrections and rehabilitation pursuant to section 48 of Act 278, Session Laws of Hawaii 2022; provided further that any unexpended and unencumbered balance of the appropriation as of the close of business on June 30, 2024, shall lapse on that date.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 29, 2023.

(Approved June 29, 2023.)

ACT 134

S.B. NO. 1064

A Bill for an Act Relating to Dam and Appurtenance Safety.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the

legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,073,987,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that some plantation-era reservoirs across the State, including locations in Maui county, are on lands sold by plantation landowners to developers. Following the sale, developers constructed subdivisions, often including dams and appurtenances, including reservoirs and spillways, within deeds to the homeowners or a homeowners' association.

However, many dams and appurtenances located on subdivisions are not properly maintained. During periods of extreme weather, the surrounding neighborhoods face significant risks from flooding. Despite potential hazards posed by the dams and appurtenances, the department of land and natural resources considers these dams and appurtenances to be privately owned and the responsibility of homeowners or homeowners' associations to maintain proper safety standards. Costly permits are required to conduct repairs or removal, which results in dams and appurtenances remaining in an unsafe state.

Therefore, the purpose of this Act is to:

- (1) Establish and appropriate moneys for a dam and appurtenance improvement or removal grant program to provide the owners of private dams and appurtenances with funds for plans, design, construction, and equipment that are used to improve or remove deficient dams and appurtenances, as determined by the department of land and natural resources; and
- (2) Appropriate moneys for certain operating expenses and the establishment of positions in the department of land and natural resources.

SECTION 3. Chapter 179D, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§179D- Dam and appurtenance improvement or removal grant program. (a) There is established a dam and appurtenance improvement or removal grant program, to be developed and administered by the department for the improvement or removal of deficient dams in the State.

(b) The dam and appurtenance improvement or removal grant program shall provide funding to owners of private dams for plans, design, construction, and equipment to improve or remove deficient dams and appurtenances, as determined by the department.

(c) Each award shall be approved by the board before disbursement and shall be subject to conditions imposed by the board.

(d) The department may award grants based on criteria that shall be developed by the department. Each applicant shall meet the following requirements:

- (1) The applicant shall be an owner of a high hazard or significant hazard dam or appurtenance that is regulated under this chapter;

- (2) The applicant shall be the owner of a regulated dam or appurtenance that has been determined to have one or more deficiencies; provided that priority shall be given to dams or appurtenances rated to be in poor or unsatisfactory condition;
- (3) The applicant shall indicate on the application that the proposed plans, design, construction, and equipment shall be intended for remediation or removal of the dam or appurtenance;
- (4) If the applicant is an entity other than an individual, the applicant shall:
 - (A) Be licensed to conduct business in the State; and
 - (B) Have bylaws or policies that describe the manner in which business is conducted, prohibit nepotism, and provide for the management of potential conflicts of interest;
- (5) The applicant shall agree to comply with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, disability, or any other characteristic protected under applicable federal or state law;
- (6) The applicant shall agree that grant moneys are not to be used for purposes of entertainment or perquisites;
- (7) The applicant shall agree that all activities and improvements undertaken with funds received shall comply with applicable federal, state, and county laws, including statutes, ordinances, applicable building codes, and rules;
- (8) The applicant shall agree to make available to the department all records that the applicant may have relating to the grant and allow state agencies to monitor the applicant's compliance with the purpose of this chapter;
- (9) The applicant shall establish, to the satisfaction of the department, that sufficient funds are available for the completion of plans, design, and construction, or equipment needed for the purpose for which the grant is awarded; provided that the grant amount shall be included among the calculation of sufficient funds; and
- (10) The applicant shall comply with other requirements or conditions as the department or board may prescribe.”

SECTION 4. 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 2023-2024 as one-time seed funding for the purposes of the dam and appurtenance improvement or removal grant program.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$220,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to be expended under program ID Department of Land and Natural Resources – Prevention of Natural Disasters (LNR810), for operating expenses and the establishment of the following two full-time equivalent (2.0 FTE) permanent positions in the department of land and natural resources:

- (1) One planner position; and
- (2) One accountant position.

The sums appropriated in section 4 and this section of this Act shall be expended by the department of land and natural resources for the purposes of this Act.

ACT 135

SECTION 6. New statutory material is underscored.²

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

(Approved June 29, 2023.)

Notes

1. Act 164.

2. Edited pursuant to HRS §23G-16.5.

ACT 135

S.B. NO. 869

A Bill for an Act Relating to the Youth Commission.

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

SECTION 1. Section 352D-11, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) ~~Eight~~ A majority of the members ~~[øf]~~ appointed to the youth commission shall constitute a quorum to do business. Any action taken by the commission shall be validated by a simple majority of the quorum.”

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 29, 2023.)

ACT 136

S.B. NO. 811

A Bill for an Act Relating to Demographic Data.

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

SECTION 1. The legislature finds that Asian Americans and Native Hawaiians and other Pacific Islanders represent 46.5 per cent of the State’s population. While Asian Americans and Native Hawaiians and other Pacific Islanders are often misrepresented as a homogeneous group, they are an extremely diverse group, comprising ethnicities from over thirty different countries. Asian American and Native Hawaiian and other Pacific Islander communities in this State experience diverse social, educational, health, and economic differences that are unique to their respective communities.

The legislature also finds that, due to this diversity, the United States Office of Management and Budget’s Statistical Policy Directive No. 15, entitled “Race and Ethnic Standards for Federal Statistics and Administrative Reporting,” separated the “Asian and Pacific Islander” category into two distinct and separate categories, now called “Asians” and “Native Hawaiians and Other Pacific Islanders,” and these two distinct categories were used in the 2020 United States Census. The United States Census Bureau currently reports data for more than twenty different ethnicities within these two categories.

Despite the federal government's current policy and practice of disaggregating data related to Asian Americans and Native Hawaiians and other Pacific Islanders, not all of Hawaii's state agencies keep demographic data in a standard or uniform manner that comports with these prevailing federal standards. Moreover, most state agencies do not make collected demographic data accessible to the public so that regional and local governments, elected officials, decision makers, and other stakeholders can use the information to strategically target programs for those most in need.

Given the diversity of languages and cultures, separating data for Asian American and Native Hawaiian and other Pacific Islander ethnic groups is imperative and making this data publicly accessible is critical for enhancing understanding of the needs and experiences of these different communities. Disaggregating race data for collection, analysis and evaluation, access, and dissemination can aid in shaping programs and policies to advance more equitable outcomes for all communities in the State.

In particular, the State has unique trust responsibilities with respect to Native Hawaiians, which are administered by a variety of state agencies, including but not limited to the office of Hawaiian affairs. The uniform collection and sharing of data specific to Native Hawaiians is critical to the proper administration of the State's trust responsibilities and improving the conditions of Native Hawaiians through other similar initiatives.

The purpose of this Act is to establish a task force on twenty-first century data governance to assess current demographic data collection, processing, retention, and sharing procedures used by, needs of, and challenges faced by all state agencies.

SECTION 2. (a) There is established a task force on twenty-first century data governance.

(b) The task force shall assess current demographic data collection, processing, retention, and sharing procedures used by, needs of, and challenges faced by all state agencies.

(c) The members of the task force shall include:

- (1) The director of the office of planning and sustainable development, or the director's designee;
- (2) The chief information officer of the office of enterprise technology services, or the chief information officer's designee;
- (3) The chief executive officer of the office of Hawaiian affairs, or the chief executive officer's designee;
- (4) The director of the department of health's office of health equity, or the director's designee; and
- (5) Other relevant members to be identified by the task force.

(d) The task force 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 task force shall be dissolved on June 30, 2024.

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

(Approved June 29, 2023.)

ACT 137

H.B. NO. 710

A Bill for an Act Relating to Government.

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

SECTION 1. Section 710-1072.5, Hawaii Revised Statutes, is amended to read as follows:

“§710-1072.5 Obstruction of justice. (1) A person commits the offense of obstruction of justice if the person intentionally ~~engages in the following conduct~~:

- (a) When called as a witness and having been granted immunity pursuant to chapters 480 and 621C, before or after having been qualified as a witness, ~~shall refuse~~ refuses to testify or be qualified as a witness[-]; or
- (b) Influences; obstructs; impedes; or endeavors to influence, obstruct, or impede, the due administration of justice by means of force, threat of force, coercion, fraud, or deception.

(2) Obstruction of justice [is] shall be a class C felony[-]; provided that if the person engaged in activity under subsection (1)(b), obstruction of justice shall be a class B felony.”

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 29, 2023.)

ACT 138

H.B. NO. 24

A Bill for an Act Relating to Water Common Carriers.

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

SECTION 1. Section 271G-17.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§271G-17.5~~ Issuance of securities~~[-; execution of leases]~~. (a) A water common carrier may, on securing the prior approval of the public utilities commission, and not otherwise~~[-issue]~~:

- (1) Enter into vessel leases longer than five years;
- (2) Enter into leverage leases for vessels; or
- (3) Issue stocks and stock certificates, bonds, notes, and other evidences of indebtedness, payable at periods of more than twelve months after the date thereof, ~~[and enter into long-term leases of more than three years and leverage leases,]~~ for the following purposes and no other, namely:

- (1) (A) For the acquisition of property; [ØF]
 (2) (B) For the construction, completion, extension, or improvement of or addition to its facilities or service; [ØF]
 (3) (C) For the discharge or lawful refunding of its obligations; or
 (4) (D) For the reimbursement of moneys actually expended from income or from any other moneys in its treasury not secured by or obtained from the issue of its stocks or stock certificates, or bonds, notes, or other evidences of indebtedness, for any of the aforesaid purposes, except maintenance of service, replacements, and substitutions not constituting capital [~~expenditure~~] expenditures in cases where the water carrier has kept its accounts for [~~such~~] the expenditures in [~~such~~] a manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which the expenditures were made, and the sources of the funds in its treasury applied to the expenditures.

(b) As used [~~herein,~~] in this section, “property” and “facilities” mean property and facilities used in all operations of a water carrier whether or not included in its regulated operations or rate base. A water carrier may not issue securities [~~nor~~], enter into [~~long-term~~] vessel leases [~~of more than three~~] longer than five years [~~and~~] or enter into leverage leases [,] for vessels, to acquire property or to construct, complete, extend [ØF], improve, or add to its facilities or service, if the commission determines that the proposed purpose will have a material adverse effect on its operations. No carrier shall repurchase or reissue its own common stock without prior commission approval.

(c) All stock and every stock certificate, and every bond, note, or other evidence of indebtedness of a water carrier not payable within twelve months, issued without an order of the commission authorizing the same, then in effect, shall be void. In addition, all [~~long-term~~] vessel leases [~~of more than three~~] longer than five years and all leverage leases entered into by a water carrier for vessels without an order of the commission authorizing the same then in effect shall be void.”

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 29, 2023.)

ACT 139

H.B. NO. 478

A Bill for an Act Relating to the State Foundation on Culture and the Arts.

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

SECTION 1. The purpose of this Act is to specify the membership and qualifications for membership of the state foundation on culture and the arts commission.

SECTION 2. Section 9-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The foundation shall be governed by a policymaking and oversight commission to be known as the state foundation on culture and the arts commission.

The commission shall be composed of ~~[nine]~~ eleven members ~~[to]~~, nine of whom shall be voting members appointed and removed by the governor pursuant to section 26-34~~[-]~~, and two of whom shall be ex officio, nonvoting members.

The governor shall appoint voting members who:

- (1) By reason of education or extensive experience, are generally recognized as having demonstrated accomplishment or expertise in the fields of culture, the arts, history, and the humanities; and
- (2) Are familiar with the people and cultures of Hawaii.

Further, the governor shall ensure that, of the voting members appointed, at least one member has a background or experience in each of the following: the needs of public educators; neighbor island communities; native Hawaiian culture and diversity; and urban design and public infrastructure.

The chair of the senate and house of representatives standing committees with primary jurisdiction over culture and the arts shall serve as the two ex officio, nonvoting members of the commission.

The term of each voting member shall be for four years, commencing on July 1 and expiring on June 30; provided that for terms commencing on or after July 1, 1999, the governor shall appoint at least one member who resides in the county of Hawaii, one member who resides in the county of Kauai, and one member who resides in the county of Maui.

The governor shall appoint the chairperson of the commission from among its voting members. The members of the commission shall serve without compensation, but shall be reimbursed for travel and other necessary expenses in the performance of their official 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, 2023.

(Approved June 29, 2023.)

ACT 140

H.B. NO. 264

A Bill for an Act Relating to Crimes Against Sports Officials.

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

SECTION 1. Section 706-605.6, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

- “(1) If a person is convicted of the offense of:
 - (a) Assault in the first degree, as provided by section 707-710;
 - (b) Assault in the second degree, as provided by section ~~[707-711(a)]~~ 707-711(1)(a), (b), ~~[or (d)]~~ (d), or (n);
 - (c) Assault in the third degree, as provided by section 707-712;
 - (d) Terroristic threatening in the first degree, as provided by section 707-716(a), (e), or (f); or
 - (e) Terroristic threatening in the second degree, as provided by section 707-717; and

the victim of the offense is a sports official engaged in the lawful discharge of the sports official’s duties, the court may order, in the court’s discretion, that the defendant, in addition to any other punishment imposed pursuant to chapter 706, be enjoined from attending any sports event of the type at which the sports official was engaged in the lawful discharge of the sports official’s duties

for a period of up to twelve months from the date of sentencing for a first offense, and for life for a second or subsequent offense.”

SECTION 2. Section 707-711, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of assault in the second degree if the person:

- (a) Intentionally, knowingly, or recklessly causes substantial bodily injury to another;
- (b) Recklessly causes serious bodily injury to another;
- (c) Intentionally or knowingly causes bodily injury to a correctional worker, as defined in section 710-1031(2), who is engaged in the performance of duty or who is within a correctional facility;
- (d) Intentionally or knowingly causes bodily injury to another with a dangerous instrument;
- (e) Intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational facility. For the purposes of this paragraph, “educational worker” means any administrator, specialist, counselor, teacher, or employee of the department of education or an employee of a charter school; a person who is a volunteer, as defined in section 90-1, in a school program, activity, or function that is established, sanctioned, or approved by the department of education; or a person hired by the department of education on a contractual basis and engaged in carrying out an educational function;
- (f) Intentionally or knowingly causes bodily injury to any emergency medical services provider who is engaged in the performance of duty. For the purposes of this paragraph, “emergency medical services provider” means emergency medical services personnel, as defined in section 321-222, and physicians, physician’s assistants, nurses, nurse practitioners, certified registered nurse anesthetists, respiratory therapists, laboratory technicians, radiology technicians, and social workers, providing services in the emergency room of a hospital;
- (g) Intentionally or knowingly causes bodily injury to a person employed at a state-operated or -contracted mental health facility. For the purposes of this paragraph, “a person employed at a state-operated or -contracted mental health facility” includes health care professionals as defined in section 451D-2, administrators, orderlies, security personnel, volunteers, and any other person who is engaged in the performance of a duty at a state-operated or -contracted mental health facility;
- (h) Intentionally or knowingly causes bodily injury to a person who:
 - (i) The defendant has been restrained from, by order of any court, including an ex parte order, contacting, threatening, or physically abusing pursuant to chapter 586; or
 - (ii) Is being protected by a police officer ordering the defendant to leave the premises of that protected person pursuant to section 709-906(4), during the effective period of that order;
- (i) Intentionally or knowingly causes bodily injury to any firefighter or

water safety officer who is engaged in the performance of duty. For the purposes of this paragraph, “firefighter” has the same meaning as in section 710-1012 and “water safety officer” means any public servant employed by the United States, the State, or any county as a lifeguard or person authorized to conduct water rescue or ocean safety functions;

- (j) Intentionally or knowingly causes bodily injury to a person who is engaged in the performance of duty at a health care facility as defined in section 323D-2. For purposes of this paragraph, “a person who is engaged in the performance of duty at a health care facility” includes health care professionals as defined in section 451D-2, physician assistants, surgical assistants, advanced practice registered nurses, nurse aides, respiratory therapists, laboratory technicians, and radiology technicians;
- (k) Intentionally or knowingly causes bodily injury to a person who is engaged in providing home health care services, as defined in section 431:10H-201;
- (l) Intentionally or knowingly causes bodily injury to a person, employed or contracted to work by a mutual benefit society, as defined in section 432:1-104, to provide case management services to an individual in a hospital, health care provider’s office, or home, while that person is engaged in the performance of those services; [ø]
- (m) Intentionally or knowingly causes bodily injury to a person who is sixty years of age or older and the age of the injured person is known or reasonably should be known to the person causing the injury[-]; or
- (n) Intentionally or knowingly causes bodily injury to a sports official who is engaged in the lawful discharge of the sports official’s duties. For the purposes of this paragraph, “sports official” and “lawful discharge of the sports official’s duties” have the same meaning as in section 706-605.6.”

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 29, 2023.)

ACT 141

S.B. NO. 1232

A Bill for an Act Relating to the State Library System.

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

SECTION 1. Section 312-2.1, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

- “(d) The state librarian shall:
- (1) ~~[collect,]~~ Collect, purchase, receive gifts of, and otherwise acquire all books and other publications proper for libraries, and arrange, classify, manage, and catalog the same;
 - (2) ~~[provide]~~ Provide for ~~[their]~~ safekeeping~~;~~ of the foregoing;
 - (3) ~~[expend]~~ Expend moneys appropriated by the legislature and otherwise acquired for the development, use, support, and maintenance of libraries and other related purposes;
 - (4) ~~[provide]~~ Provide ways and means for placing libraries within reach of all residents throughout the State and particularly of all public and private school children;
 - (5) ~~[provide]~~ Provide and maintain branch libraries, offices, or places for the distribution of books and periodicals throughout the State;
 - (6) ~~[enter]~~ Enter into contracts as may be necessary to carry into effect the general duties herein imposed;
 - (7) ~~[appoint such]~~ Appoint officers and employees as deemed necessary, all of whom shall be under the authority of the governor for purposes of chapters 76, 78, 89, and 89C; ~~[and]~~
 - (8) Impose and collect rates, rents, fees, fines, and charges for the use or enjoyment and services of the facilities of each state library facility; provided that the contracting for concessions within a library facility shall not be subject to section 102-14;
 - (9) Revise rates, rents, fees, fines, and charges imposed pursuant to paragraph (8) upon approval of the board of education; and
 - (10) ~~[adopt]~~ Adopt rules for the management and use of libraries, and for the control of the property under its management.”

SECTION 2. Section 312-4.6, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) ~~[The]~~ Without regard to chapter 91, the state librarian shall prescribe the procedures relating to:

- (1) The charging of fees;
- (2) The waiver of fees;
- (3) The documents, materials, and services for which fees may be charged;
- (4) The amount of the fees that may be assessed and charged to a library patron;
- (5) The accumulated amount of lost library material costs, fines, or fees;
- (6) The period of time that the lost library materials costs, fines, or fees ~~[must]~~ shall remain unpaid before they may be referred to a collection agency for collection ~~[pursuant to rules adopted under chapter 91];~~ and
- (7) The notification of persons ~~[with]~~ having delinquent accounts of the additional fees to be charged by the collection agency prior to the referral to the collection agency.”

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 on June 30, 2028, this Act shall be repealed and sections 312-2.1 and 312-4.6, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act.

(Approved June 29, 2023.)

A Bill for an Act Relating to the State Fire Council.

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

SECTION 1. The legislature finds that in 1979, the legislature abolished the state fire marshal's office and created the state fire council, which comprises the four county fire chiefs and is administratively attached to the department of labor and industrial relations. The goal of the state fire council is to develop and maintain a comprehensive fire service emergency management network for the protection of life, property, and the environment throughout the State. The state fire council is tasked with reviewing and adopting the state fire code, providing administrative oversight of the reduced ignition propensity cigarettes program, providing assistance with the application for and administration of federal grants for the fire service, assisting with and coordinating the statewide delivery of fire training programs, coordinating the collection of fire data, and supporting contingency planning needs for fire fighters. The state fire council is required to establish statewide qualifications for testing, certifying, and credentialing individuals who perform maintenance and testing of portable fire extinguishers, fire protection systems, and fire alarm systems. The state fire council may also advise the governor and the legislature on matters related to fire prevention, fire protection, and life safety. The state fire council is a voting member of the state building code council, whose responsibilities are delineated in section 107-24, Hawaii Revised Statutes.

The legislature further finds that the Hawaii state aircraft rescue fire fighting unit and the division of forestry and wildlife of the department of land and natural resources communicate and collaborate with the county fire departments on a regular basis during emergency incidents and non-emergency administrative matters. The two agencies provide specialty expertise and equipment in emergent and non-emergent environments that the county fire departments do not possess due to training, funding, or mission requirements. The Hawaii state aircraft rescue fire fighting unit and the division of forestry and wildlife of the department of land and natural resources could provide unique perspectives to facilitate accomplishment of the state fire council's functions as described in section 132-16, Hawaii Revised Statutes. The potential results are greater insight into Hawaii's fire risk and improvements relating to the protection of persons and property against fire.

Accordingly, the purpose of this Act is to add to the membership of the state fire council, and to the membership of advisory committees that the council may appoint, representatives from the Hawaii state aircraft rescue fire fighting unit and the division of forestry and wildlife of the department of land and natural resources to reflect all non-federal fire fighting agencies in the State.

SECTION 2. Section 132-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) There is established a state fire council, which shall be placed within the department of labor and industrial relations for administrative purposes. The state fire council shall consist of the fire chiefs of the counties[~~], the fire chief of the Hawaii state aircraft rescue fire fighting unit, and a representative of the division of forestry and wildlife of the department of land and natural resources.~~ The state fire council may appoint an advisory committee to assist it in carrying out its functions under this chapter. The advisory committee may include the heads of the various county building departments, a licensed architect

recommended by the Hawaii Society of the American Institute of Architects, a licensed electrical engineer and a licensed mechanical engineer recommended by the Consulting Engineers Council of Hawaii, a representative of the Hawaii Rating Bureau, a representative of the Hawaii ~~[firefighters association,]~~ Fire Fighters Association, representatives of the county fire departments, a representative of the Hawaii state aircraft rescue fire fighting unit, a representative of the division of forestry and wildlife of the department of land and natural resources, and ~~[such]~~ other members of the public as the state fire council may determine can best assist it. The state fire council shall elect a chairperson from among its members.”

2. By amending subsection (c) to read:

“(c) The state fire council may also:

- (1) Appoint advisory committees ~~[comprised of]~~ comprising representatives from each county fire department, a representative of the Hawaii state aircraft rescue fire fighting unit, and a representative of the division of forestry and wildlife of the department of land and natural resources to assist in drafting the state fire code and coordinating statewide training, data collection, and contingency planning needs for firefighters;
- (2) Advise and assist the county and state fire departments where appropriate~~[-]~~; may prescribe standard procedures and forms relating to inspections, investigations, and reporting of fires~~[-]~~; may approve plans for cooperation among the county and state fire departments~~[-]~~; and may advise the governor and the legislature with respect to fire prevention and protection, life safety, and any other functions or activities for which the various county and state fire departments are generally responsible; and
- (3) Establish, in conformance with the adopted state fire code and nationally recognized standards, statewide qualifications and procedures, to be administered by the county fire departments, for testing, certifying, and credentialing individuals who perform maintenance and testing of portable fire extinguishers, water-based fire protection systems, other fire protection systems, private fire hydrants, and fire alarm systems; provided that the county fire departments may establish and charge reasonable certification fees.”

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 29, 2023.)

ACT 143

S.B. NO. 830

A Bill for an Act Relating to Emergency Medical Response.

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

PART I

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300,

H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,267,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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 2. The legislature finds that in critical medical emergencies, each minute matters. Long-term injury, brain damage, and even death can occur within just a few minutes in some types of emergencies. Whether it is a student choking or a teacher experiencing cardiac arrest, help provided within four minutes, rather than eight minutes, can save a life.

The legislature further finds that while the department of education currently has basic emergency response guidance, there is a gap between the guidance provided to “administer first aid” and the training and preparedness of personnel in the case of an unforeseen critical medical emergency.

Accordingly, the purpose of this Act is to:

- (1) Establish within the department of education, a one-year critical emergency response pilot program to establish a critical emergency response team for each department school located in central Oahu selected by the department of education to participate in the pilot program;
- (2) Establish within the state public charter school commission, a one-year critical emergency response pilot program to establish a critical emergency response team for each public charter school selected by the state public charter school commission to participate in the pilot program;
- (3) Require the department of education and state public charter school commission to report to the legislature before the regular session of 2024; and
- (4) Appropriate funds.

PART II

SECTION 3. (a) There is established within the department of education, a one-year critical emergency response pilot program to establish a critical emergency response team for each department school located in central Oahu selected by the department of education to participate in the pilot program.

(b) The critical emergency response team for each department school participating in the pilot program shall consist of critical emergency response team members, each of whom shall:

- (1) Maintain active certifications in first aid, cardiopulmonary resuscitation, and automated external defibrillator from organizations approved by the department; provided that any certification more than two years old shall not be valid for purposes of this paragraph; and
- (2) Respond in good faith when activated.

(c) Any person who acts in accordance with the requirements of this part shall be immune from any civil or criminal liability arising from these acts, except where the person’s conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

- (d) Each department school participating in the pilot program shall:
 - (1) Develop a known, practiced, and maintained communication method to activate the school's critical emergency response team members; and
 - (2) Run not less than two critical emergency drills during the 2023-2024 school year; provided that the drill response time goal shall be less than three minutes.
- (e) For purposes of this part:

“Critical emergency” means a situation in which a person is in immediate danger of loss of life, including from cardiac arrest, choking, or uncontrolled bleeding.

“First aid” means lifesaving help given in a critical emergency, including providing abdominal thrusts when someone is choking, performing cardiopulmonary resuscitation when someone is unconscious and does not have a pulse, or applying pressure or a tourniquet in an uncontrolled bleeding.

SECTION 4. The department of education shall submit a report of its findings and recommendations, including any proposed legislation, for the critical emergency response pilot program to the legislature no later than twenty days prior to the convening of the regular session of 2024. The report shall include the department of education's recommendations as to whether the pilot program should be extended or expanded to include all department schools within the State.

SECTION 5. 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 2023-2024 for the department of education to implement the critical emergency response pilot program established pursuant to this part.

The sum appropriated shall be expended by the department of education for the purposes of this part.

PART III

SECTION 6. (a) There is established within the state public charter school commission, a one-year critical emergency response pilot program to establish critical emergency response teams for certain public charter schools within the State. The state public charter school commission shall select the public charter schools that shall participate in the pilot program.

(b) The critical emergency response team for each public charter school participating in the pilot program shall consist of critical emergency response team members, each of whom shall:

- (1) Maintain active certifications in first aid, cardiopulmonary resuscitation, and automated external defibrillator from organizations approved by the department; provided that any certification more than two years old shall not be valid for purposes of this paragraph; and
- (2) Respond in good faith when activated.

(c) Any person who acts in accordance with the requirements of this part shall be immune from any civil or criminal liability arising from these acts, except where the person's conduct would constitute gross negligence, willful and wanton misconduct, or intentional misconduct.

- (d) Each public charter school participating in the pilot program shall:
 - (1) Develop a known, practiced, and maintained communication method to activate the school's critical emergency response team members; and

ACT 144

- (2) Run not less than two critical emergency drills during 2023-2024 school year; provided that the drill response time goal shall be less than three minutes.

- (e) For purposes of this part:

“Critical emergency” means a situation in which a person is in immediate danger of loss of life, including from cardiac arrest, choking, or uncontrolled bleeding.

“First aid” means lifesaving help given in a critical emergency, including providing abdominal thrusts when someone is choking, performing cardiopulmonary resuscitation when someone is unconscious and does not have a pulse, or applying pressure or a tourniquet in an uncontrolled bleeding.

SECTION 7. The state public charter school commission shall submit a report of its findings and recommendations, including any proposed legislation, for the critical emergency response pilot program to the legislature no later than twenty days prior to the convening of the regular session of 2024. The report shall include the state public charter school commission’s recommendations as to whether the pilot program should be extended or expanded to include all public charter schools within the State.

SECTION 8. 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 2023-2024 for the state public charter school commission to implement the critical emergency response pilot program established pursuant to this part.

The sum appropriated shall be expended by the state public charter school commission for the purposes of this part.

PART IV

SECTION 9. This Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

Note

1. Act 164.

ACT 144

H.B. NO. 541

A Bill for an Act Relating to Vehicle Safety.

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

SECTION 1. Section 286-26, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (e) to read:

“(e) Upon application for a certificate of inspection to be issued for a vehicle or moped, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle or moped, and if the vehicle or moped is found to be in a safe operating condition, including adhering to head lamp requirements and specifications pursuant to section 291-25(a), as applicable, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. The certificate shall state the effective date, the termination date, the

name of the issuing insurance carrier, and the policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified by section 431:10C-107 or state the information contained in the proof of insurance card as specified by section 431:10G-106. A sticker, authorized by the director, shall be affixed to the vehicle or moped at the time a certificate of inspection is issued. An inspection sticker which has been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original inspection sticker upon presentation of the current certificate of inspection; provided that the current certificate of inspection and inspection sticker shall not have expired at the time the replacement is requested. The director shall adopt rules to determine the fee for replacement of lost, stolen, or destroyed inspection stickers.”

2. By amending subsection (g) to read:

“(g) The director of transportation shall adopt necessary rules for the administration of inspections and the issuance of certificates of inspection[-]; provided that the rules shall include head lamp requirements that adhere to the specifications pursuant to section 291-25(a), as applicable.”

SECTION 2. The department of transportation shall amend its rules pursuant to chapter 91, Hawaii Revised Statutes, to require the owner of a motor vehicle whose motor vehicle registration and safety check are both expired to:

- (1) Obtain a certificate of inspection pursuant to section 286-26, Hawaii Revised Statutes, without having to furnish evidence of a motor vehicle registration; and
- (2) After obtaining the certificate of inspection, register the motor vehicle.

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 29, 2023.)

ACT 145

H.B. NO. 704

A Bill for an Act Relating to Motor Vehicle Registration.

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

SECTION 1. Section 286-41, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) The provisions of this part requiring the registration of motor vehicles shall not apply to:

- (1) Special mobile equipment;
- (2) Implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways;
- (3) Aircraft servicing vehicles that are being used exclusively on lands set aside to the department of transportation for airport purposes; and
- (4) Tractor trucks, flatbed trucks, forklifts, and top picks being used as marine terminal equipment temporarily moving in or between terminals at:

- (A) Sand Island and along Sand Island Parkway and Sand Island Access Road;
- (B) Kalanianaʻole Avenue between Kuhio Street and Kahanu Street, abutting Hilo Harbor;
- (C) Kawaihae-Mahukona Road abutting Kawaihae Harbor;
- (D) East Kaahumanu Avenue between Hobron Avenue and Kane Street, abutting Kahului Harbor; ~~and~~
- (E) [Waipaa] Waapa Road abutting Nawiliwili Harbor[-];
- (F) Nimitz Highway, between 8:30 a.m. and 3:00 p.m., and between 6:30 p.m. and 5:30 a.m.;
- (G) Sand Island Access Road and Forrest Avenue, including all roadways abutting pier accessways; provided that vehicles abide by the speed limit and keep up with the flow of traffic;
- (H) Auiki Street, abutting Kapalama Container Terminal;
- (I) Malakole Street, abutting Barbers Point; and
- (J) Hanua Street, abutting Barbers Point; provided that an escort vehicle is present.”

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, 2023.

(Approved June 29, 2023.)

ACT 146

S.B. NO. 1141

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,847,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that Act 51, Session Laws of Hawaii 2004 (Act 51), transferred the control of certain functions of executive branch agencies that pertained to education personnel and facilities to the department of education to increase operational efficiency while reducing bureaucracy. However, after enactment of Act 51, the department of human resources development continued to provide most services to the employees of the Hawaii state public library system. Eight years later, Act 61 (Act 61), Session Laws of Hawaii 2012, clarified that the transfer of functions by Act 51 was not intended to include the Hawaii state public library system or its employees.

The legislature further finds that despite the clarification provided by Act 61, the aspects of workers' compensation for Hawaii state public library system employees continue to be within the functions of the department of education, and not within the functions of the department of human resources development. The legislature also finds that the department of human resources development has not received any additional staff or funding from the department of education to address its increased responsibilities to the Hawaii state public library system and its employees as a consequence of Act 61.

The purpose of this Act is to:

- (1) Transfer:
 - (A) The rights, powers, functions, duties, resources, and individual budget of the Hawaii state public library system relating to workers' compensation for its employees to the department of human resources development; and
 - (B) One full-time equivalent (1.0 FTE) permanent position from the Hawaii state public library system to the department of human resources development; and
- (2) Appropriate funds for the salary and benefits of one full-time equivalent (1.0 FTE) human resources specialist position to the department of human resources development for the management and administration of workers' compensation for the Hawaii state public library system and its employees.

SECTION 3. Effective July 1, 2023:

- (1) All rights, powers, functions, duties, resources, and the individual budget of the Hawaii state public library system relating to workers' compensation for its employees are transferred to the department of human resources development, subject to amendment or repeal by subsequent legislation ; and
- (2) One full-time equivalent (1.0 FTE) permanent position shall be transferred to the department of human resources development from the Hawaii state public library system.

SECTION 4. 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 2023-2024 for the salary and benefits of one full-time equivalent (1.0 FTE) human resources specialist position to the department of human resources development for the management and administration of workers' compensation for the Hawaii state public library system and its employees.

The sum appropriated shall be expended by the department of human resources development for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Criminal Justice.

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

SECTION 1. The legislature finds that the criminal justice research institute was established by Act 179, Session Laws of Hawaii 2019, within the office of the chief justice, to assess the administrative and technological feasibility of collecting, aggregating, and reporting on criminal pretrial data for purposes of establishing a centralized statewide criminal pretrial justice data reporting and collection system.

The legislature further finds that the criminal justice research institute staff conducted research to determine the feasibility of creating a statewide reporting system and identify the most effective and cost-efficient system for the State. Agencies across the country were interviewed and researched to identify options for creating a statewide reporting system. The criminal justice research institute examined statewide policies, operations, and data sources to map out necessary statewide data to create such a system. Based on the results of the criminal justice research institute's research, the legislature finds that the approach most suited to fulfill the intent of Act 179, Session Laws of Hawaii 2019, in an evidence-based and cost-efficient manner is to extract, link, and merge data from existing state databases into a centralized data warehouse. Instead of creating a new database and duplicating data entry or requesting manual data extractions from agencies, technological solutions will work with existing data sources and merge them into a centralized location.

In order to assess the feasibility of the technical work needed across different agency information technology systems, the criminal justice research institute selected information technology partners in fall 2022, to develop a technical plan to document the feasibility of extracting and linking criminal pretrial data and estimate the costs and timeline of establishing a statewide reporting system. The legislature finds it is essential that the criminal justice research institute continue its partnership with the department of public safety, judiciary, and Hawaii criminal justice data center to incorporate the three main statewide sources of criminal pretrial data. These three sources house the data and information necessary to calculate and report on criminal pretrial performance metrics in accordance with state law and evidence-based practices.

The legislature recognizes that the creation of the statewide reporting system is a substantial and complex undertaking requiring interagency and interbranch collaboration, strategic planning, and resources to accomplish successfully. Several key issues in establishing the system were identified, including the difficulty of combining data from different agencies' databases, many of which are the result of separate data and information technology systems; data primarily collected for operational purposes that must be converted for research; large amounts of data in text fields that may require a technological solution to convert it for quantitative analysis; and inconsistent data definitions across agencies, which prevents the efficient merging of data. Although technology can create a statewide reporting system, it will take time and parallel efforts to address these challenges and to improve data entry practices and the quality of the data. These efforts can occur simultaneously while the system is developed.

The legislature additionally finds that there are critical strengths within existing criminal pretrial data systems: each agency holds an electronic database containing a wealth of information critical to the State's criminal pretrial

system, and data sources have an identifier for cases or people that will assist in linking the diverse data sources, thereby creating a process to merge data into a centralized location. By leveraging technology to extract and link records, a significant amount of data collection for the statewide reporting system can be automated and streamlined. This type of system will produce more timely metrics and reporting and generate more comprehensive metrics.

The legislature further finds that it is technologically feasible to create a statewide reporting system. However, this will only be possible with additional resources, as well as comprehensive, long-term planning and ongoing collaboration with the agencies that house pretrial data.

Accordingly, the purpose of this Act is to:

- (1) Require that ongoing staff support for the centralized statewide criminal pretrial justice data reporting and collection system be conducted by the criminal justice research institute's staff and not be contracted to another entity;
- (2) Require the criminal justice research institute to protect any information and data that may be shared;
- (3) Require the criminal justice research institute to submit an annual report regarding the creation of the centralized statewide criminal pretrial justice data reporting and collection system to the legislature for two years; and
- (4) Appropriate funds to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law.

SECTION 2. Section 614-3, Hawaii Revised Statutes, is amended to read as follows:

“§614-3 Centralized statewide criminal pretrial justice data reporting and collection system. (a) The institute shall establish and maintain a centralized statewide criminal pretrial justice data reporting and collection system.

(b) In establishing the system, the institute shall take all necessary and appropriate steps, including:

- (1) Identifying all current databases utilized by various state agencies to track criminal pretrial information;
- (2) Determining the administrative and technological feasibility of aggregating and sharing current data; and
- (3) Identifying critical gaps in data and information collection that are required for a robust assessment of criminal pretrial justice matters, which may include information relating to:
 - (A) Arrests;
 - (B) Monetary and non-monetary conditions of release;
 - (C) Bail amounts;
 - (D) Risk assessments;
 - (E) Risk assessment scores;
 - (F) Bail report recommendations;
 - (G) Information gathered in risk assessments or bail reports;
 - (H) Bail hearings;
 - (I) Judicial decisions to release and conditions imposed on release;
 - (J) Judicial decisions to detain;
 - (K) Concordance between the bail report recommendation and decision, length of stay, and pretrial supervision; and
 - (L) The degree to which a defendant's assessed risk correlates with the defendant's actual risk, including an assessment of

whether the defendant appears in court, commits other crimes, or engages in violent conduct when released from custody.

(c) The institute shall develop and track performance indicators that accurately reflect the effectiveness of the State’s criminal pretrial system. Performance indicators may include but shall not be limited to:

- (1) The percentage of supervised defendants who make all scheduled court appearances;
- (2) The percentage of supervised defendants who are not charged with a new offense during the pretrial stage;
- (3) The ratio of defendants whose supervision level or detention status corresponds with each respective defendant’s assessed risk of pretrial misconduct;
- (4) The percentage of released defendants who:
 - (A) Do not have their release revoked for technical violations of the conditions of their release;
 - (B) Appear for all scheduled court appearances; and
 - (C) Are not charged with a new offense during pretrial supervision;
- (5) The average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release;
- (6) The percentage of defendants who remain arrest-free during the pretrial release period; and
- (7) The percentage of defendants who remain on release at the conclusion of their pretrial period without a pending request for removal or revocation due to non-compliance.

(d) Ongoing staff support for the system shall be conducted by the institute’s staff and shall not be contracted to another entity.

(e) The institute shall protect any information and data that may be shared.

~~(d)~~ (f) The institute shall compile an annual report that reviews and analyzes data from the system to evaluate the effectiveness of the State’s criminal pretrial system and identify possible improvements. The institute shall submit the report, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.

(e) (g) As used in this section, unless the context otherwise requires, “system” means the centralized statewide criminal pretrial justice data reporting and collection system established by this section.”

SECTION 3. The criminal justice research institute shall submit an annual report regarding the creation of the centralized statewide criminal pretrial justice data reporting and collection system to the legislature no later than twenty days prior to the convening of the regular sessions of 2024 and 2025.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,298,740 or so much thereof as may be necessary for fiscal year 2023-2024 and \$954,080 or so much thereof as may be necessary for fiscal year 2024-2025 to establish a centralized statewide criminal pretrial justice data reporting and collection system; provided that the sums appropriated shall be allocated as follows:

- (1) The sum of \$1,150,000 for fiscal year 2023-2024 and \$800,000 for fiscal year 2024-2025 for information technology consultant services, software licensing, data storage, and any other necessary costs incurred by the criminal justice research institute in implementing this Act, excluding the costs set forth in paragraph (2);

- (2) The sum of \$80,184 for fiscal year 2023-2024 and \$83,064 for fiscal year 2024-2025 to establish one permanent full-time equivalent (1.0 FTE) project specialist position exempt from chapter 76, Hawaii Revised Statutes, within the criminal justice research institute; and
- (3) The sum of \$68,556 for fiscal year 2023-2024 and \$71,016 for fiscal year 2024-2025 to establish one temporary full-time equivalent (1.0 FTE) project specialist position exempt from chapter 76, Hawaii Revised Statutes, within the judiciary.

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

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$74,124 or so much thereof as may be necessary for fiscal year 2023-2024 and \$76,788 or so much thereof as may be necessary for fiscal year 2024-2025 to establish a centralized statewide criminal pretrial justice data reporting and collection system; provided that the sums appropriated shall be allocated to establish one temporary full-time equivalent (1.0 FTE) information technology analyst position, or an equivalent position, within the department of public safety or its successor department of corrections and rehabilitation.

The sums appropriated shall be expended by the department of public safety or its successor department of corrections and rehabilitation for the purposes of this Act.

SECTION 6. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37 91¹ and 37 93¹, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,² will cause the state general fund expenditure ceiling for fiscal year 2023 2024¹ to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$1,372,864 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,065,140,231 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by 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 on July 1, 2023.

(Approved June 29, 2023.)

Notes

1. So in original .

2. Act 164.

A Bill for an Act Relating to the 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, 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 119, Session Laws of Hawaii 2022, appropriated moneys from the state highway fund to the state drug and alcohol toxicology testing laboratory special fund for fiscal year 2022-2023; and authorized 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.

Act 120, Session Laws of Hawaii 2022, appropriated moneys from the state highway fund to the state drug and alcohol toxicology testing laboratory special fund for fiscal year 2021-2022; and authorized the department of health to expend these funds from the state drug and alcohol toxicology testing laboratory special fund for the establishment of the state drug and alcohol toxicology testing laboratory.

However, there is an immediate and urgent need for blood alcohol testing and the department of health cannot fulfill these services at this time. The city and county of Honolulu emergency services department is currently able to conduct blood alcohol testing for all counties and will be able to conduct drug testing for impaired driving cases in the future if provided the funding.

The purpose of this Act is to:

- (1) Allow moneys in the state highway fund to be expended for the cost of maintaining a drug and alcohol toxicology testing laboratory;
- (2) Require moneys in the drug and alcohol toxicology testing laboratory special fund to be administered and expended by the department of transportation or appropriated as a grant-in-aid to the emergency services department of a county with a population of five hundred thousand or more to support a drug and alcohol toxicology testing laboratory;
- (3) Change the name of the state drug and alcohol toxicology testing laboratory, and its special fund, to repeal reference to the "state" to reflect its expanded scope;
- (4) Appropriate funds from the state highway fund to the drug and alcohol toxicology testing laboratory special fund;
- (5) Appropriate funds out of the drug and alcohol toxicology testing laboratory special fund for the establishment and maintenance of a drug and alcohol toxicology testing laboratory; and
- (6) Require reports to the legislature on expenditures made from the drug and alcohol toxicology testing laboratory special fund.

SECTION 2. Section 248-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Moneys in the state highway fund may be expended for the following purposes:

- (1) To pay the costs of operation, maintenance, and repair of the state highway system, including without limitation, the cost of equipment and general administrative overhead;
- (2) To pay the costs of acquisition, including real property and interests therein; planning; designing; construction; and reconstruction of the state highway system and bikeways, including without limitation, the cost of equipment and general administrative overhead;
- (3) To reimburse the general fund for interest on and principal of general obligation¹ bonds issued to finance highway projects where the bonds are designated to be reimbursable out of the state highway fund;
- (4) To pay the costs of construction, maintenance, and repair of county roads; provided that none of the funds expended on a county road or program shall be federal funds when expenditure would cause a violation of federal law or a federal grant agreement; and
- (5) To pay the ~~cost~~ costs of establishing and maintaining a [state] drug and alcohol toxicology testing laboratory that is intended to support the prosecution of offenses relating to operation of a motor vehicle while under the influence of an intoxicant.”

SECTION 3. Section 291E-8, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§291E-8~~ ~~]]-State drug~~ **Drug and alcohol toxicology testing laboratory special fund; established.** (a) There is established in the state treasury a [state] drug and alcohol toxicology testing laboratory special fund, into which shall be deposited:

- (1) All fines collected pursuant to sections ~~[[291E-61(b)(2)(E)]]~~, 291E-61.5(c)(2)(C), and 291E-62(c);
- (2) Moneys appropriated by the legislature to the fund;
- (3) Other grants and gifts made to the fund; and
- (4) Any income and interest earned on the balance of the fund.

(b) Moneys in the [state] drug and alcohol toxicology testing laboratory special fund shall be administered and expended by the department of ~~health~~ transportation, or appropriated as a grant-in-aid to the emergency services department of a county with a population of five hundred thousand or more, to support a [state] drug and alcohol toxicology testing laboratory.”

SECTION 4. 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 programs deemed appropriate by the court;
 - (B) 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 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, or² 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 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 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 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;
- (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]~~ the person's motion for early termination a certified court abstract establishing that ~~[they were]~~ the person was not sentenced to any additional mandatory revocation period pursuant to paragraph (3) or (4);
 - (D) Includes with ~~[their]~~ the person's 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;
- (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 prohibited from driving during the period of applicable revocation provided in paragraphs (1) to (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 5. Section 291E-61.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

- “(c) For a conviction under this section, the sentence shall be either:
- (1) An indeterminate term of imprisonment of five years; or
 - (2) A term of probation of five years, with conditions to include:
 - (A) Mandatory revocation of license to operate a vehicle for a period no less than three years but no more than five years, with mandatory installation of an ignition interlock device in all vehicles operated by the respondent during the revocation period;
 - (B) No less than ten days imprisonment, of which at least forty-eight hours shall be served consecutively;
 - (C) A fine of no less than \$2,000 but no more than \$5,000, to be deposited into the [state] drug and alcohol toxicology testing laboratory special fund;
 - (D) Referral to a certified substance abuse counselor as provided in subsection (e);
 - (E) A surcharge of \$25 to be deposited into the neurotrauma special fund; and
 - (F) A surcharge of up to \$50 to be deposited into the trauma system special fund if the court so orders.

In addition to the foregoing, any vehicle owned and operated by the person committing the offense shall be subject to forfeiture pursuant to chapter 712A.”

SECTION 6. Section 291E-62, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(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 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 and no more than thirty days;
 - (B) A fine of no less than \$250 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;
- (2) For an offense that occurs within 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;
- (3) For an offense that occurs within 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) 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
- (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 7. Section 706-643, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) All fines and other final payments received by a clerk or other officer of a court shall be accounted for, with the names of persons making payment, and the amount and date thereof, being recorded. All such funds shall be deposited with the director of finance to the credit of the general fund of the State. With respect to fines and bail forfeitures that are proceeds of the wildlife revolving fund under section 183D-10.5; fines that are proceeds of the [state] drug and alcohol toxicology testing laboratory special fund under sections ~~[291E-61(b)(2)(C),]~~ 291E-61(b)(2)(E), 291E-61.5(c)(2)(C), and 291E-62(c); and fines that are proceeds of the compliance resolution fund under sections 26-9(o) and 431:2-410, the director of finance shall transmit the fines and forfeitures to the respective funds.”

SECTION 8. Act 196, Session Laws of Hawaii 2021, is amended as follows:

1. By amending section 9 to read:

“SECTION 9. The [state] drug and alcohol toxicology testing laboratory special fund established in section ~~[291E-]~~ 291E-8, Hawaii Revised Statutes, shall be abolished and repealed on June 30, ~~[2026,]~~ 2028, and any unencumbered remaining balances shall lapse to the ~~[general fund.]~~ credit of the state highway fund.”

2. By amending section 11 to read:

“SECTION 11. This Act shall take effect on July 1, 2021; provided that on June 30, ~~[2026,]~~ 2028, sections 4, 5, 6, and 7 of this Act shall be repealed and ~~[section]~~ sections 291E-61, 291E-61.5, 291E-62, and 706-643, Hawaii Revised

Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.”

SECTION 9. Act 216, Session Laws of Hawaii 2021, as amended by section 4 of Act 94, Session Laws of Hawaii 2022, 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,] 2028, pursuant to section 11 of Act 196, Session Laws of Hawaii 2021[-], as amended by section 8 of Act , Session Laws of Hawaii 2023.”

SECTION 10. Act 94, Session Laws of Hawaii 2022, is amended by amending section 7 to read as follows:

“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,] 2028, pursuant to section 11 of Act 196, Session Laws of Hawaii 2021[-], as amended by section 8 of Act , Session Laws of Hawaii 2023.”

SECTION 11. 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 2023-2024 and \$400,000 or so much as necessary for fiscal year 2024-2025 for deposit into the drug and alcohol toxicology testing laboratory special fund established by section 291E-8, Hawaii Revised Statutes.

SECTION 12. There is appropriated out of the 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 2023-2024 and \$400,000 or so much as necessary for fiscal year 2024-2025 for the establishment and maintenance of a 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 drug and alcohol toxicology testing laboratory.

The sums appropriated shall be expended by the department of transportation or appropriated as a grant-in-aid to the city and county of Honolulu emergency services department for the purposes of this Act.

SECTION 13. Any provision of this Act to the contrary notwithstanding, the appropriation for fiscal year 2023-2024 authorized under section 12 of this Act 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 to the credit of the state highway fund as of that date.

SECTION 14. No later than thirty days prior to the convening of the regular sessions of 2025 and 2026, the department of transportation or city and county of Honolulu emergency services department shall submit a report to the legislature on the expenditures made from the drug and alcohol toxicology testing laboratory special fund, including the amounts expended and the purpose of each expenditure as it relates to supporting the drug and alcohol toxicology testing laboratory.

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, 2023.

(Approved June 29, 2023.)

Notes

1. So in original.
2. Prior to amendment “of” appeared here.

ACT 149

S.B. NO. 729

A Bill for an Act Relating to Board Members.

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

SECTION 1. Section 467-4, Hawaii Revised Statutes, is amended to read as follows:

“§467-4 Powers and duties of commission. In addition to any other powers and duties authorized by law, the real estate commission shall:

- (1) Grant licenses, registrations, and certificates pursuant to this chapter;
- (2) Adopt, amend, or repeal rules as it may deem proper to effectuate this chapter and carry out its purpose, which is the protection of the general public in its real estate transactions. All rules shall be approved by the governor and [the] director of commerce and consumer affairs, and when adopted pursuant to chapter 91 shall have the force and effect of law. The rules may forbid acts or practices deemed by the commission to be detrimental to the accomplishment of the purpose of this chapter, and the rules may require real estate brokers and salespersons to complete educational courses or to make reports to the commission containing items of information as will better enable the commission to enforce this chapter and the rules, or as will better enable the commission from time to time to amend the rules to more fully effect the purpose of this chapter, and, further, the rules may require real estate brokers and salespersons to furnish reports to their clients containing matters of information as the commission deems necessary to promote the purpose of this chapter. This enumeration of specific matters that may properly be made the subject of rules shall not be construed to limit the commission’s broad general power to make all rules necessary to fully effectuate the purpose of this chapter;
- (3) Enforce this chapter and rules adopted pursuant thereto;
- (4) Suspend, fine, terminate, or revoke any license, registration, or certificate for any cause prescribed by this chapter, or for any violation of the rules, and may [also] require additional education or reexamination, and refuse to grant any license, registration, or certificate for any cause that would be a ground for suspension, fine, termination, or revocation of a license, registration, or certificate;
- (5) Report to the governor and [the] legislature relevant information that shall include but not be limited to a summary of the programs and financial information about the trust funds, including balances

- and budgets, through the director of commerce and consumer affairs annually, before the convening of each regular session, and at other times and in other manners as the governor or the legislature may require concerning its activities;
- (6) Publish and distribute pamphlets and circulars, produce seminars and workshops, hold meetings in all counties, and require other education regarding any information as is proper to further the accomplishment of the purpose of this chapter;
 - (7) Enter into contract or contracts with qualified persons to assist the commission in effectuating the purpose of this chapter; ~~and~~
 - (8) Develop a curriculum for leadership training for condominium boards of directors, including pertinent provisions of chapter 514B, association governing documents, and the fiduciary duties of board members; and
 - ~~(8)~~ (9) Establish standing committees to assist in effectuating this chapter and carry out its purpose, which shall meet ~~not~~ no less ~~often~~ than ten times annually, and shall from time to time meet in each of the counties.”

SECTION 2. The real estate commission shall submit a report of its progress on the development of a curriculum for leadership training for members of boards of directors of condominium associations and submit 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. 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 29, 2023.)

ACT 150

H.B. NO. 1205

A Bill for an Act Relating to Collective Bargaining.

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

SECTION 1. Section 89-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The employee organization ~~which~~ that has been certified by the board as representing the majority of employees in an appropriate bargaining unit shall be the exclusive representative of all employees in the unit. As exclusive representative, it shall have the right to act for and negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of ~~all such~~ the employees without discrimination and without regard to employee organization membership~~[-]; provided that the exclusive representative shall not be required to provide grievance representation to employees who do not pay dues or dues equivalents and who decline to pay reasonable costs of that representation.~~ Any other provision herein to the contrary notwithstanding, whenever two or more employee organizations ~~which~~ that have been duly certified by the board as the exclusive representatives of employees in bargaining units merge, combine, ~~or~~ amalgamate, or enter into an agreement for common administration or operation of their affairs, all rights and duties of ~~such~~ the

employee organizations as exclusive representatives of employees in [such] the units shall inure to and shall be discharged by the organization resulting from [such] the merger, combination, amalgamation, or agreement, either alone or with [such] the employee organizations. Election by the employees in the unit involved[,] and certification by the board of [such] the resulting employee organization shall not be required.”

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 29, 2023.)

ACT 151

S.B. NO. 726

A Bill for an Act Relating to the Department of Human Resources Development.

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

SECTION 1. Section 26-5, Hawaii Revised Statutes, is amended to read as follows:

“§26-5 Department of human resources development. (a) The department of human resources development shall be headed by a single executive to be known as the director of human resources development. The director shall:

(1) Facilitate and expedite the hiring and recruitment for civil service positions under the jurisdiction of the department of human resources development; and

(2) Have the authority to reclassify and abolish vacant positions within state departments and agencies that are under the jurisdiction of the department of human resources development, subject to the following conditions:

(A) Prior to reclassifying or abolishing any vacant position as provided under this paragraph, the director shall submit a report to the legislature no later than twenty days prior to each regular session. The report shall include a list of vacant positions for reclassification or abolishment, identify the agency each position is attached to, provide reasons for reclassifying or abolishing the position, and state the duration that the position has been vacant; and

(B) The director may reclassify or abolish any vacant position as provided under this paragraph no earlier than sixty days after the report has been submitted to the legislature as provided under subparagraph (A).

(b) The department shall administer the state human resources program, including human resources development and training, and central human resources services such as recruitment, examination, classification, pay administration, and payment of any claims as required under chapter 386.

(c) There shall be within the department of human resources development a board to be known as the merit appeals board, which shall sit as an appellate body on matters set forth in section 76-14. The board shall consist of three members. All members shall have knowledge of public employment laws and prior experience with public employment; provided that at least one member’s experience was with an employee organization as a member or an

employee of that organization and at least one member's experience was with management. The governor shall consider the names of qualified individuals submitted by employee organizations or management before appointing the members of the board. The chairperson of the board shall be designated as specified in the rules of the board.

(d) The provisions of section 26-34 shall not apply and the board members shall be appointed by the governor for four-year terms and may be ~~[re-appointed]~~ reappointed without limitation; provided that the initial appointments shall be for staggered terms, as determined by the governor. The governor shall fill any vacancy by appointing a new member for a four-year term. The governor may remove for cause any member after due notice and public hearing.

(e) Nothing in this section shall be construed as in any manner affecting the civil service laws applicable to the several counties, the judiciary, or the Hawaii health systems corporation or its regional system boards, which shall remain the same as if this chapter had not been enacted.

~~[(f) There is established within the department of human resources development an administrative assistant position exempt from chapter 76. The administrative assistant shall be appointed by and report to the director of human resources development.~~

~~The administrative assistant shall:~~

- ~~(1) Facilitate and expedite the hiring and recruitment for civil service positions under the jurisdiction of the department of human resources development; and~~
- ~~(2) Have the authority to reclassify and abolish vacant positions within state departments and agencies that are under the jurisdiction of the department of human resources development, subject to the following conditions:~~
 - ~~(A) Prior to reclassifying or abolishing any vacant position as provided under this paragraph, the administrative assistant shall submit a report to the legislature no later than twenty days prior to each regular session. The report shall include a list of vacant positions for reclassification or abolishment, identify the agency each position is attached to, provide reasons for reclassifying or abolishing the position, and state the duration the position has been vacant; and~~
 - ~~(B) The administrative assistant may reclassify or abolish any vacant position as provided under this paragraph no earlier than sixty days after the report has been submitted to the legislature as provided under this paragraph.~~

~~(g) (f) There is established in the state treasury the human resources development special fund, to be administered by the department of human resources development, which shall consist of: [a]]~~

- ~~(1) All revenues received by the department as a result of entrepreneurial efforts in securing new sources of funds not provided for in the department's budget for services rendered by the department[; a]];~~
- ~~(2) All revenues received by the department from the charging of participant fees for in-service training that are in addition to general fund appropriations in the department's budget for developing and operating in-service training programs[; appropriations];~~
- ~~(3) Appropriations made by the legislature to the fund[; and moneys]; and~~
- ~~(4) Moneys directed to the department from any other source, including gifts, grants, and awards.~~

(g) Moneys in the human resources development special fund shall be used for the following purposes:

- (1) Supporting the department's entrepreneurial initiatives, training activities, and programs;
- (2) Administrative costs of the department's entrepreneurial initiatives, training activities, and programs; and
- (3) Any other purpose deemed necessary by the director for the purpose of facilitating the department's entrepreneurial initiatives, training activities, and programs.

(h) The department of human resources development shall submit, no later than twenty days prior to the convening of each regular session of the legislature [~~beginning with the regular session of 2007~~], a report of the number of exempt positions that were converted to civil service positions during the previous twelve months. The report shall include but not be limited to:

- (1) When the position was established;
- (2) The purpose of the position;
- (3) Rationale for the conversion; and
- (4) How many exempt positions remain in each state department after the conversions."

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 29, 2023.)

ACT 152

S.B. NO. 732

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 indigenous peoples, including Native Hawaiians, have thrived and remained resilient for generations, contributing to the world through rich histories, knowledge, and cultural practices. However, generations of federal and state policies sought to bring shame upon, assimilate, and displace indigenous peoples and eradicate native cultures. In Hawaii, this fact, coupled with the introduction of new infectious diseases introduced by Western contact, resulted in an eighty-four per cent decline in the Native Hawaiian population in the first sixty years since Captain James Cook's arrival in the islands in 1778.

The legislature additionally finds that the movement to recognize Indigenous Peoples' Day in the United States began as a protest of Columbus Day, which was declared to commemorate the anniversary of Christopher Columbus' landfall in the Western hemisphere. Nationwide, Indigenous Peoples' Day honors and commemorates the histories, cultures, and traditions of indigenous peoples and recognizes that the colonial takeovers of the Americas, starting with Columbus, led to the deaths of millions of native people and the forced assimilation of survivors. The movement to replace Columbus Day began in 1990, with South Dakota becoming the first state to rename the holiday. Since 1992, a growing grassroots effort to replace Columbus Day with Indigenous Peoples' Day or Native American Day has spread to seventeen states and the District of Columbia. In 2021 and 2022, President Biden issued a proclamation that

recognized Indigenous Peoples’ Day on the second Monday of October, with the latter proclamation “honor[ing] the sovereignty, resilience, and immense contributions that Native Americans have made to the world”. Indigenous Peoples’ Day recognizes the continued survival of the descendants of indigenous peoples worldwide, including Native Hawaiians, and in Hawaii, honors the individuals who first made the islands habitable.

The legislature further finds that presently, Hawaii is one of seventeen states that does not celebrate Columbus Day; instead, it observes Discoverers’ Day on the second Monday in October “in recognition of the Polynesian discoverers of the Hawaiian Islands” pursuant to Act 220, Session Laws of Hawaii 1988. While Discoverers’ Day acknowledges the ancestors of Native Hawaiians and other indigenous Polynesians who discovered Hawaii, recognizing and designating Indigenous Peoples’ Day as an observed day will serve to educate Hawaii’s people about the State’s obligation to the original inhabitants of the aina, or land, and the State’s continued protection of all rights customarily and traditionally exercised by the descendants of those native people, as well as to celebrate the revival of previously-taboo cultural practices, such as hula and olelo Hawaii, and all cultures that form Hawaii today.

Therefore, the purpose of this Act is to:

- (1) Designate the second Monday in October as Indigenous Peoples’ Day; and
- (2) Establish Indigenous Peoples’ Day as an observed day.

SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§8- **Indigenous Peoples’ Day.** The second Monday in October of each year shall be known as Indigenous Peoples’ Day; provided that this day 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 29, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 153

H.B. NO. 950

A Bill for an Act Relating to Assisted Community Treatment Orders.

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

SECTION 1. Section 334-121.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~§334-121.5~~§~~ **Examination for assisted community treatment indication.** A licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization associated with the licensed psychiatric facility where a person is located who was committed to involuntary hospitalization, delivered for emergency examination or emergency hospitalization, or voluntarily admitted to inpatient treatment at

a psychiatric facility pursuant to part IV shall, ~~[prior to]~~ before the person's discharge, examine the person to determine whether an assisted community treatment plan is indicated pursuant to this part. If a plan is indicated, the psychiatrist or advanced practice registered nurse shall prepare the certificate specified by section 334-123~~[-]~~ and may request assistance from the department of the attorney general with the preparation and filing of a petition brought pursuant to section 334-123. The psychiatric facility may notify another mental health program for assistance with the coordination of care in the community for the person. Nothing in this section shall delay the appropriate discharge of a person from the psychiatric facility after the examination for assisted community treatment indication has been completed."

SECTION 2. Section 334-124, Hawaii Revised Statutes, is amended to read as follows:

"§334-124 Hearing date. The family court shall set a hearing date on a petition, and any subsequent hearing dates for the petition, as soon as possible."

SECTION 3. Section 334-126, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) Hearings may be held at any convenient place within the circuit. The subject of the petition, any interested party, or the family court upon its own motion may request a hearing in another court because of inconvenience to the parties, witnesses, or the family court or because of the subject's physical or mental condition. The court may use online hearings to accommodate the needs of the parties and witnesses, in accordance with family court rules.

(d) The hearing shall be closed to the public, unless the subject of the petition requests otherwise. Individuals entitled to notice are entitled to be present in the courtroom or other approved location for the hearing and to receive a copy of the hearing transcript or recording, unless the court determines that the interests of justice require otherwise."

SECTION 4. Section 334-127, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If after hearing all relevant evidence, including the results of any diagnostic examination ordered by the family court, the family court finds that the criteria for assisted community treatment under section 334-121(1) have been met beyond a reasonable doubt and that the criteria under section 334-121(2) to ~~[334-121(4)] (4)~~ have been met by clear and convincing evidence, the family court shall order the subject to obtain assisted community treatment for a period of no more than ~~[one year-] two years.~~ The written treatment plan submitted pursuant to section 334-126(g) shall be attached to the order and made a part of the order.

If the family court finds by clear and convincing evidence that the beneficial mental and physical effects of recommended medication outweigh the detrimental mental and physical effects, if any, the order may authorize types or classes of medication to be included in treatment at the discretion of the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization.

The court order shall also state who should receive notice of intent to discharge early in the event that the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization determines, ~~[prior to]~~ before the end of the court ordered period of treatment, that the subject should be discharged early from assisted community treatment.

Notice of the order shall be provided to the director, the interested party who filed the petition, and those persons entitled to notice pursuant to section 334-125.”

SECTION 5. Section 334-130, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A subject of assisted community treatment is automatically and fully discharged at the end of the family court ordered period of treatment, a period of [~~not~~ no more than [~~one year,~~ two years, unless a new family court order has been obtained as provided hereinbelow.”

SECTION 6. Section 334-131, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The notice shall be filed with the family court [~~which~~] that issued the order for assisted community treatment, and served by personal service or by certified mail on the interested party who filed the petition and those persons whom the order for assisted community treatment specifies as entitled to receive notice.”

SECTION 7. Section 334-133, Hawaii Revised Statutes, is amended to read as follows:

“§334-133 Petition for additional period of treatment; hearing. (a) Before the expiration of the period of assisted community treatment ordered by the family court, any interested party may file, or may request the department of the attorney general to file, a petition with the family court for an order of continued assisted community treatment. The petition shall be filed, and unless the court determines the existence of a guardian, a guardian ad litem appointed, and notice provided in the same manner as under sections 334-123 and 334-125.

(b) The family court shall appoint a guardian ad litem, unless there is an existing guardian, hold a hearing on the petition, and make its decision in the same manner as provided under sections 334-123 to 334-127. The family court may order the continued assisted community treatment for no more than [~~one year~~] two years after the date of the hearing pursuant to this section if the court finds that the criteria for assisted community treatment continue to exist and are likely to continue beyond one hundred [~~eighty~~] days.

(c) Nothing in this section shall preclude the subject’s stipulation to the continuance of an existing [~~court~~] order. This section shall be in addition to the provisions on the objection to discharge.”

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

SECTION 10. This Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

ACT 154

H.B. NO. 980

A Bill for an Act Relating to Forfeiture Pursuant to Section 804-51, Hawaii Revised Statutes.

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

SECTION 1. The legislature finds that section 804-51, Hawaii Revised Statutes, currently requires that a notice be personally served on or sent by certified mail to a surety to start the thirty-day period before any bond or recognizance given in a criminal cause is forfeited to the State. There have been cases where a surety avoids its obligations on a bond or recognizance by evading the service of the notice. Under chapter 804, Hawaii Revised Statutes, a surety and a surety insurer form an agency relationship when the surety registers a bond or recognizance with a court, pursuant to a power of attorney issued by the surety insurer. Because of this agency relationship, a notice to either the surety or surety insurer by certified mail should start the thirty-day period for the surety or surety insurer to locate and surrender a principal or file a motion or application showing good cause why execution should not issue upon the judgment. Allowing a notice to be sent to either a surety or surety insurer will reduce a loophole used by a surety to avoid its obligations on the bond or recognizance.

The legislature also finds that the appellate courts currently lack jurisdiction over an appeal by the State from an order granting a motion or application to set aside a bond or recognizance forfeiture. The State should have the ability to appeal when it believes that a bond or recognizance forfeiture is set aside without good cause.

The purpose of this Act is to amend section 804-51, Hawaii Revised Statutes, to allow a notice of a bond or recognizance forfeiture to be sent to either the surety or surety insurer and to provide a means for the State to appeal an order granting a motion or application to set aside a bond or recognizance forfeiture.

SECTION 2. Section 804-51, Hawaii Revised Statutes, is amended to read as follows:

§804-51 Procedure. Whenever the court, in any criminal cause, forfeits any bond or recognizance given in a criminal cause, the court shall immediately enter up judgment in favor of the State and against the principal or principals [~~and~~], surety or sureties, and surety insurer or surety insurers on the bond, jointly and severally, for the full amount of the penalty thereof, and shall cause execution to issue thereon immediately after the expiration of thirty days from the date that notice is given via personal service or certified mail, return receipt requested, to the surety or sureties or the surety insurer or surety insurers on the bond, of the entry of the judgment in favor of the State, unless before the expiration of thirty days from the date that notice is given to the surety or sureties or the surety insurer or surety insurers on the bond of the entry of the judgment in favor of the State, a motion or application of the principal or principals, surety or sureties, surety insurer or surety insurers, or any of them, showing good cause why execution should not issue upon the judgment, is filed with the court. If the motion or application, after a hearing held thereon, is sustained, the court shall vacate the judgment of forfeiture and, if the principal surrenders or is surrendered pursuant to section 804-14 or section 804-41, return the bond or recognizance to the principal, [~~or~~] surety, or surety insurer, whoever shall have given it, less the amount of any cost, as established

at the hearing, incurred by the State as a result of the nonappearance of the principal or other event on the basis of which the court forfeited the bond or recognizance. If the motion or application, after a hearing held thereon, is overruled, execution shall forthwith issue and shall not be stayed unless the order overruling the motion or application is appealed from as in the case of a final judgment. If the motion or application, after a hearing held thereon, is granted, the State may appeal the order granting the motion or application as in the case of a final judgment.

This section shall be considered to be set forth in full in words and figures in, and to form a part of, and to be included in, each and every bond or recognizance given in a criminal cause, whether actually set forth in the bond or recognizance, or not.”

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 29, 2023.)

ACT 155

S.B. NO. 911

A Bill for an Act Relating to Jurors.

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

SECTION 1. The legislature finds that the State has over four hundred incarcerated for every one hundred thousand people in the State. It is estimated that there are approximately four thousand nine hundred residents in Hawaii who have been convicted of felonies and served their sentence. Despite having served their sentence, existing law prevents these residents from serving on a jury, perpetuating the stigma that a convicted individual is incapable of reintegrating back into society.

The legislature further finds that jury exclusion based on felony convictions contributes to a lack of juror diversity. It is well-established that the criminal justice system has a disparate impact on people of color, including Native Hawaiians. The effect of the existing exclusion makes it more difficult to fill a jury with a diverse group of jurors.

The legislature also finds that those with felony convictions who are not pardoned cannot serve as jurors in civil cases, despite many instances where the criminal convictions occurred decades before. Under existing law, a person sentenced for a felony and who is finally discharged may vote in elections and become a candidate for or hold public office, yet they cannot serve on a jury. The legislature believes it is in the best interest of Hawaii’s democratic system for the State to work toward affirming the rights of all individuals to be allowed fair and equitable participation in the State’s judicial system. The legislature further finds that nineteen states and the District of Columbia allow individuals who have completed their incarceration for a felony, after varying passages of time, to be eligible to serve on a jury. Four states, Colorado, Illinois, Iowa, and Maine, do not have any automatic exclusion of the right to serve on a jury.

The purpose of this Act is to clarify that a prospective juror is disqualified to serve as a juror if they have been convicted of a felony and have not been finally discharged or pardoned. This Act would not apply where there is no discharge or pardon, such as for those individuals sentenced to life imprisonment

with or without parole, or those convicted of murder or class A felonies for which a sentence of an indeterminate life term is imposed. This Act would also not affect a juror being excused for cause or a party's right to exercise a peremptory challenge.

SECTION 2. Section 612-4, Hawaii Revised Statutes, is amended to read as follows:

“§612-4 Grounds of qualification and disqualification. (a) A prospective juror [is] shall be qualified to serve as a juror if the prospective juror[~~s~~] is:

- (1) [~~Is a~~] A citizen of the United States and [~~of the~~] State;
- (2) [~~Is at~~] At least eighteen years old;
- (3) [~~Is a~~] A resident of the judicial circuit; and
- (4) [~~Is able~~] Able to read, speak, and understand the English language.

(b) A prospective juror [is] shall be disqualified to serve as a juror if the prospective juror:

- (1) Is incapable, by reason of the prospective juror's disability, of rendering satisfactory jury service; [~~but~~] provided that a prospective juror claiming this disqualification may be required to submit a physician's, physician assistant's, or advanced practice registered nurse's certificate as to the disability, and the certifying physician, physician assistant, or advanced practice registered nurse is subject to inquiry by the court at its discretion;
- (2) Has been convicted of a felony in a state or federal court and not finally discharged or pardoned; or
- (3) Fails to meet the qualifications in subsection (a).

(c) For purposes of this section, “finally discharged” means the person has received or is eligible to receive a certificate of discharge pursuant to section 831-5.”

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, 2024.

(Approved June 29, 2023.)

ACT 156

S.B. NO. 944

A Bill for an Act Relating to the Uniform Parentage Act.

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

SECTION 1. (a) The department of the attorney general shall convene a task force to recommend amendments to the Hawaii Revised Statutes to update existing parentage laws that reflect outdated concepts of families, parenthood, conception and gestation, and parental rights.

(b) The task force shall include the following members:

- (1) A representative from the department of the attorney general, who shall serve as chairperson;
- (2) The director of health, or the director's designee;
- (3) A member of the Hawaii state commission on the status of women;
- (4) A member of the Hawaii state commission on fatherhood;
- (5) A family court judge;
- (6) A family law attorney;

- (7) A health care professional familiar with hospital and birthing center procedure experience;
 - (8) A mental health professional familiar with post-adoption experience;
 - (9) An individual with personal knowledge of adoption-related health and medical issues;
 - (10) An individual with personal knowledge of surrogacy; and
 - (11) Any other member as recommended by the task force.
- (c) The task force 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, no later than forty days prior to the convening of the regular session of 2025.
 - (d) The task force shall be dissolved on December 31, 2025.

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

(Approved June 29, 2023.)

ACT 157

S.B. NO. 210

A Bill for an Act Relating to Criminal Justice Data Sharing.

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

SECTION 1. The legislature finds that the State lacks a common repository for tracking data related to the criminal justice system. All state and county criminal justice agencies plan, design, procure, implement, and operate their own separate information systems. As such, data sharing consists of one-off solutions, often requiring grants and outside contractors.

Accordingly, the purpose of this Act is to establish a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository to:

- (1) Facilitate collaborative decision-making, coordinated planning, and cooperative implementation among criminal justice agencies and relevant partners;
- (2) Support the fair, efficient, and effective operation of the criminal justice system;
- (3) Promote interoperability through the use of common elements;
- (4) Allow agencies to securely and efficiently share appropriate information; and
- (5) Support criminal justice and other purposes, including improved public safety and homeland security, while respecting the privacy of citizens.

SECTION 2. (a) There is established the criminal justice data sharing working group to address the complexities of statewide data sharing in the criminal justice system and make recommendations for a statewide criminal justice data repository. The working group shall:

- (1) Develop a formal memorandum of agreement to be executed by participating agencies to ensure the repository's continued operation and coordinated planning and development;

- (2) Identify operational and policy drivers that will influence development priorities for the repository in the short and long term;
- (3) Identify policy, legislative, and operational issues associated with the planning, development, and implementation of the repository; and
- (4) Formulate recommendations for changes in policy, legislation, and operations to facilitate data sharing.
 - (b) The working group shall comprise of the following members:
 - (1) The attorney general, or the attorney general's designee, who shall serve as chairperson of the working group;
 - (2) The director of public safety, if applicable, or the director's designee;
 - (3) The director of corrections and rehabilitation, if applicable, or the director's designee;
 - (4) The director of law enforcement, if applicable, or the director's designee;
 - (5) The administrative director of the courts, or the administrator's designee;
 - (6) The public defender, or the public defender's designee;
 - (7) The prosecuting attorney for the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, or the prosecuting attorney's designee;
 - (8) The chief of police for the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, or the chief's designee;
 - (9) The chair of the house of representatives committee on corrections, military, and veterans, or the chair's designee; and
 - (10) The chair of the senate committee on public safety and intergovernmental and military affairs, or the chair's designee.
 - (c) The working group shall select a vice chairperson from among its members.
 - (d) The working group may:
 - (1) Hold informational briefings and listening sessions to gather input from the public on issues related to criminal justice data sharing within the State; and
 - (2) Request assistance and feedback from subject matter experts, as needed, to enable the working group to carry out its work.
 - (e) The working group shall provide to the legislature:
 - (1) Annual updates, including recommendations for any legislative or administrative action the working group deems appropriate to address data sharing concerns or to enable the working group to carry out its work; and
 - (2) A final report, including recommendations for further actions to be implemented over the following two years, no later than twenty days prior to the convening of the regular session of 2026, for a repository start date of July 1, 2028.
 - (f) The legislative reference bureau, upon request of the working group's chairperson by no later than October 1st of each year, may draft proposed legislation for the working group.
 - (g) The working group shall be officially convened at the pleasure of the chairperson and vice chairperson, but no later than August 1, 2023.
 - (h) The data to be shared between departments may include:
 - (1) For each criminal case:
 - (A) Pre-charging information;
 - (B) Case number;
 - (C) Date the alleged offense occurred;

- (D) County in which the offense is alleged to have occurred;
 - (E) Date the defendant was taken into physical custody by a law enforcement agency or was issued a notice to appear on a criminal charge, if the date is different than the date on which the offense is alleged to have occurred;
 - (F) Date that the criminal prosecution of a defendant was formally initiated, either by the state attorney filing an information with the clerk of the court, or an indictment issued by a grand jury;
 - (G) Arraignment date;
 - (H) Attorney assignment date;
 - (I) Attorney withdrawal date;
 - (J) Case status; and
 - (K) Disposition date;
- (2) For each defendant:
- (A) Name;
 - (B) Date of birth;
 - (C) Age;
 - (D) Race, ethnicity, and national origin;
 - (E) Gender;
 - (F) Address of primary residence;
 - (G) Primary language;
 - (H) Citizenship;
 - (I) Immigration status, if applicable;
 - (J) Whether the defendant has been found by a court to be indigent;
 - (K) Information related to any formal charges filed against the defendant, including:
 - (i) Charge description;
 - (ii) Charge modifier, if applicable; and
 - (iii) Drug type for each drug charge, if known;
 - (L) Qualifications for any flag designation, including flags for domestic violence, gang affiliation, sexual offenses, habitual offenses, or pretrial release violations;
 - (M) Information related to bail or bond and pretrial release determinations, including:
 - (i) All monetary and nonmonetary conditions of release;
 - (ii) Any modification of bail or bond conditions made by a court having jurisdiction to try the defendant or by the circuit court, including modifications to any monetary or nonmonetary conditions of release;
 - (iii) Cash bail or bond payment, including whether the defendant utilized a bond agent to post a surety bond; and
 - (iv) Any bail or bond revocation due to a new offense, failure to appear, or violation of the terms of bail or bond, if applicable;
 - (N) Information related to sentencing, including:
 - (i) Date that a court entered a sentence against a defendant;
 - (ii) Charge sentenced to, including charge sequence number, charge description, statute, type, and charge class severity;
 - (iii) Sentence type and length imposed by the court, including the total duration of imprisonment in a court detention facility or state correctional institution or facility, and

- conditions for probation or community control supervision; and
- (iv) Amount of time that the defendant has served in custody that is related to the reported criminal case and will be credited at the time of the case's disposition to reduce the actual length of time the defendant will serve on the term of imprisonment that the court orders at disposition; and
 - (O) Any restitution ordered, including the amount collected by the court and the amount paid to the victim;
- (3) For each victim, the relationship to the offender, if any;
 - (4) For each inmate:
 - (A) Date and reason the defendant was processed into the county detention facility subsequent to an arrest for a new violation of law, probation, or community control;
 - (B) Qualifications for any flag designation, including flags for domestic violence, gang affiliation, sexual offenses, habitual offenses, or pretrial release violations;
 - (C) Identification number assigned by the department;
 - (D) Number of children;
 - (E) Education level, including any vocational training;
 - (F) Date the inmate was admitted to the custody of the department;
 - (G) Current institution placement and the security level assigned to the institution;
 - (H) Custody level assignment;
 - (I) Whether the reason for admission to the department was for a new conviction or a violation of probation, community control, or parole. For an admission of probation, community control, or parole violation, whether the violation was technical or based on a new violation of law;
 - (J) Specific statutory citation for which the inmate was committed to the department, including an inmate convicted of drug trafficking;
 - (K) Length of sentence or concurrent or consecutive sentences served;
 - (L) Tentative release date;
 - (M) Any prior incarceration within the State;
 - (N) Any disciplinary violation and action; and
 - (O) Any participation in rehabilitative or educational programs while in the custody of the department; and
 - (5) For persons supervised by the department for probation or community control:
 - (A) Name;
 - (B) Date of birth;
 - (C) Race, ethnicity, and national origin;
 - (D) Gender;
 - (E) Department-assigned case number;
 - (F) Length of probation or community control sentence imposed and amount of time that has been served on the sentence;
 - (G) Projected termination date for probation or community control; and
 - (H) Any revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or a new violation of law.

(i) The working group members and their respective departments and agencies shall protect the information and data that may be shared as part of the working group.

(j) The working group shall cease to exist on July 1, 2029.

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

(Approved June 29, 2023.)

ACT 158

S.B. NO. 483

A Bill for an Act Relating to the Uniform Probate Code.

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

PART I

SECTION 1. The purpose of this Act is to update articles I through IV of the Uniform Probate Code, with appropriate amendments to reflect Hawai'i law and practice where relevant. Adopted in Hawai'i in 1969 and last updated in 1996, the Uniform Probate Code is a national codification of the law of probate, which provides for greater clarity and uniformity in probate law and interpretation. This Act makes necessary updates to the Uniform Probate Code to adjust for inflation, provide additional clarity, resolve issues that have arisen in probate practice, and address societal changes in familial relations.

PART II

SECTION 2. Chapter 560, Hawaii Revised Statutes, is amended by adding a new subpart to article II, part 1, to be appropriately designated and to read as follows:

“ . PARENT-CHILD RELATIONSHIP

§560:2-A Definitions. In this subpart:

“Adoptee” means an individual who is adopted.

“Child of assisted reproduction” means a child conceived by means of assisted reproduction by an individual other than a gestational carrier under section 560:2-G.

“Divorce” means an annulment, a dissolution, or a declaration of invalidity of a marriage.

“Functioned as a parent of the child” means behaving toward a child in a manner consistent with being the child’s parent and performing functions that are customarily performed by a parent, including:

- (1) Fulfilling parental responsibilities toward the child;
- (2) Materially participating in the child’s upbringing; and
- (3) Residing with the child in the same household as a regular member of that household.

“Genetic father” means the individual whose sperm fertilized the egg of a child’s genetic mother; provided that if the father-child relationship is established by the presumption of paternity under chapter 584, “genetic father” means only the individual for whom that relationship is established.

“Genetic mother” means the individual whose egg was fertilized by the sperm of a child’s genetic father.

“Genetic parent” means a child’s genetic father or genetic mother.

“Incapacity” means the inability of an individual to function as a parent of a child because of the individual’s physical or mental condition.

“Relative” means a grandparent or a descendant of a grandparent.

§560:2-B Effect of parent-child relationship. Except as otherwise provided in section 560:2-E(b) through (e), if a parent-child relationship exists or is established under this subpart, the parent shall be deemed a parent of the child, and the child shall be deemed a child of the parent, for the purpose of intestate succession.

§560:2-C No distinction based on marital status. Except as otherwise provided in sections 560:2-114, 560:2-E, 560:2-F, or 560:2-G, a parent-child relationship shall be deemed to exist between a child and the child’s genetic parents, regardless of the parents’ marital status.

§560:2-D Adoptee and adoptee’s adoptive parent or parents. A parent-child relationship shall be deemed to exist between an adoptee and the adoptee’s adoptive parent or parents. For purposes of this section:

- (1) An individual who is in the process of being adopted by a married couple or reciprocal beneficiaries when one of the spouses or reciprocal beneficiaries dies shall be treated as adopted by the deceased spouse or reciprocal beneficiary if the adoption is subsequently granted to the decedent’s surviving spouse or reciprocal beneficiary; and
- (2) A child of a genetic parent who is in the process of being adopted by a genetic parent’s spouse or reciprocal beneficiary when the spouse or reciprocal beneficiary dies shall be treated as adopted by the deceased spouse or reciprocal beneficiary if the genetic parent survives the deceased spouse or reciprocal beneficiary by one hundred twenty hours; provided that a child shall be treated as adopted by a deceased spouse or reciprocal beneficiary for the purposes of this paragraph if, after a parent-child relationship is established between a child of assisted reproduction and a parent under section 560:2-F, or between a gestational child and a parent under section 560:2-G, the child is in the process of being adopted by the parent’s spouse or reciprocal beneficiary when the spouse or reciprocal beneficiary dies.

§560:2-E Adoptee and adoptee’s genetic parents. (a) Except as otherwise provided in subsections (b) through (e), a parent-child relationship shall not be deemed to exist between an adoptee and the adoptee’s genetic parents.

(b) A parent-child relationship shall be deemed to exist between an individual who is adopted by the spouse or reciprocal beneficiary of either genetic parent and:

- (1) The genetic parent whose spouse or reciprocal beneficiary adopted the individual; and
- (2) The other genetic parent, but only for the purpose of the right of the adoptee or a descendant of the adoptee to inherit from or through the other genetic parent.

(c) A parent-child relationship shall be deemed to exist between both genetic parents and an individual who is adopted by a relative of a genetic parent, or by the spouse, reciprocal beneficiary, or surviving spouse or reciprocal beneficiary of a relative of a genetic parent, but only for the purpose of the right

of the adoptee or a descendant of the adoptee to inherit from or through either genetic parent.

(d) A parent-child relationship shall be deemed to exist between both genetic parents and an individual who is adopted after the death of both genetic parents, but only for the purpose of the right of the adoptee or a descendant of the adoptee to inherit through either genetic parent.

(e) If, after a parent-child relationship is established between a child of assisted reproduction and a parent or parents under section 560:2-F, or between a gestational child and a parent or parents under section 560:2-G, the child is adopted by another or others, the child's parent or parents under section 560:2-F or 560:2-G shall be treated as the child's genetic parent or parents for the purpose of this section.

§560:2-F Child conceived by assisted reproduction other than a child born to gestational carrier. (a) In this section:

“Birth mother” means an individual, other than a gestational carrier under section 560:2-G, who gives birth to a child of assisted reproduction. “Birth mother” is not limited to an individual who is the child's genetic mother.

“Third-party donor” means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. “Third-party donor” does not include:

- (1) A spouse who provides sperm or eggs that are used for assisted reproduction by a gestational spouse;
- (2) The birth mother of a child of assisted reproduction; or
- (3) An individual who has been determined under subsection (e) or (f) to have a parent-child relationship with a child of assisted reproduction.

(b) A parent-child relationship shall not be deemed to exist between a child of assisted reproduction and a third-party donor.

(c) A parent-child relationship shall be deemed to exist between a child of assisted reproduction and the child's birth mother.

(d) Except as otherwise provided in subsections (i) and (j), a parent-child relationship shall be deemed to exist between a child of assisted reproduction and the spouse of the child's birth mother if the spouse provided the sperm that the birth mother used during the spouse's lifetime for assisted reproduction.

(e) A birth certificate identifying an individual other than the birth mother as the other parent of a child of assisted reproduction shall presumptively establish a parent-child relationship between the child and that individual.

(f) Except as otherwise provided in subsections (g), (i), and (j), and unless a parent-child relationship is established under subsection (d) or (e), a parent-child relationship shall be deemed to exist between a child of assisted reproduction and an individual other than the birth mother who consented to assisted reproduction by the birth mother with the intent to be treated as the other parent of the child. Consent to assisted reproduction by the birth mother with intent to be treated as the other parent of the child shall be established if the individual:

- (1) Signed a record, before or after the child's birth, that, considering all the facts and circumstances, evidences the individual's consent; or
- (2) In the absence of a signed record under paragraph (1):
 - (A) Functioned as a parent of the child no later than two years after the child's birth;
 - (B) Intended to function as a parent of the child no later than two years after the child's birth but was prevented from carrying out that intent by death, incapacity, or other circumstances; or

(C) Intended to be treated as a parent of a posthumously conceived child, if that intent is established by clear and convincing evidence.

(g) For the purpose of subsection (f)(1), neither an individual who signed a record more than two years after the birth of the child, nor a relative of that individual who is not also a relative of the birth mother, inherits from or through the child unless the individual functioned as a parent of the child before the child reached eighteen years of age.

(h) For the purpose of subsection (f)(2):

(1) If the birth mother is married and no divorce proceeding is pending, or in a reciprocal beneficiary relationship, in the absence of clear and convincing evidence to the contrary, the birth mother's spouse or reciprocal beneficiary shall be deemed to satisfy subsection (f)(2)(A) or (B); and

(2) If the birth mother is a surviving spouse and at the death of the birth mother's deceased spouse no divorce proceeding was pending, or is the surviving reciprocal beneficiary, in the absence of clear and convincing evidence to the contrary, the birth mother's deceased spouse or reciprocal beneficiary shall be deemed to satisfy subsection (f)(2)(B) or (C).

(i) If a married couple is divorced before placement of eggs, sperm, or embryos, a child resulting from the assisted reproduction shall not be treated as a child of the birth mother's former spouse, unless the former spouse consented in a record that, if assisted reproduction were to occur after divorce, the child would be treated as the former spouse's child.

(j) If, in a record, an individual withdraws consent to assisted reproduction before placement of eggs, sperm, or embryos, a child resulting from the assisted reproduction shall not be treated as a child of that individual, unless the individual subsequently satisfies subsection (f).

(k) If, under this section, an individual is a parent of a child of assisted reproduction who is conceived after the individual's death, the child shall be treated as in gestation at the individual's death for purposes of section 560:2-104(b)(2) if the child is:

(1) In utero no later than thirty-six months after the individual's death;
or

(2) Born no later than forty-five months after the individual's death.

§560:2-G Child born to gestational carrier. (a) In this section:

“Gestational agreement” means an enforceable or unenforceable agreement for assisted reproduction in which an individual agrees to carry a child to birth for an intended parent, intended parents, or an individual described in subsection (e).

“Gestational carrier” means an individual who is not an intended parent who gives birth to a child under a gestational agreement. “Gestational carrier” is not limited to an individual who is the child's genetic mother.

“Gestational child” means a child born to a gestational carrier under a gestational agreement.

“Intended parent” means an individual who entered into a gestational agreement providing that the individual will be the parent of a child born to a gestational carrier by means of assisted reproduction. “Intended parent” is not limited to an individual who has a genetic relationship with the child.

(b) A parent-child relationship shall be deemed to be conclusively established by a court order designating the parent or parents of a gestational child.

(c) A parent-child relationship between a gestational child and the gestational child's carrier shall not be deemed to exist unless the gestational carrier is:

- (1) Designated as a parent of the child in a court order, as described in subsection (b); or
- (2) The child's genetic mother and a parent-child relationship does not exist under this section with an individual other than the gestational carrier.

(d) In the absence of a court order under subsection (b), a parent-child relationship shall be deemed to exist between a gestational child and an intended parent who:

- (1) Functioned as a parent of the child no later than two years after the child's birth; or
- (2) Died while the gestational carrier was pregnant if:
 - (A) There were two intended parents, and the other intended parent functioned as a parent of the child no later than two years after the child's birth;
 - (B) There were two intended parents, the other intended parent also died while the gestational carrier was pregnant, and a relative of either the deceased intended parent or the spouse, reciprocal beneficiary, or surviving spouse or reciprocal beneficiary of a relative of either deceased intended parent functioned as a parent of the child no later than two years after the child's birth; or
 - (C) There was no other intended parent and a relative of the deceased intended parent, or the spouse, reciprocal beneficiary, or surviving spouse or reciprocal beneficiary of a relative of the deceased intended parent, functioned as a parent of the child no later than two years after the child's birth.

(e) In the absence of a court order under subsection (b), a parent-child relationship shall be deemed to exist between a gestational child and an individual whose sperm or eggs were used after the individual's death or incapacity to conceive a child under a gestational agreement entered into after the individual's death or incapacity if the individual intended to be treated as the parent of the child. The individual's intent may be shown by:

- (1) A record signed by the individual that, considering all the facts and circumstances, evidences the individual's intent; or
- (2) Other facts and circumstances establishing the individual's intent by clear and convincing evidence.

(f) Except as otherwise provided in subsection (g), and unless there is clear and convincing evidence of a contrary intent, an individual shall be deemed to have intended to be treated as the parent of a gestational child for purposes of subsection (e)(2) if:

- (1) The individual, before death or incapacity, deposited the sperm or eggs that were used to conceive the child;
- (2) When the individual deposited the sperm or eggs, the individual was married, and no divorce proceeding was pending; and
- (3) The individual's spouse or reciprocal beneficiary, or surviving spouse or reciprocal beneficiary, functioned as a parent of the child no later than two years after the child's birth.

- (g) The presumption under subsection (f) shall not apply if there is:
 - (1) A court order under subsection (b); or
 - (2) A signed record that satisfies subsection (e)(1).
- (h) If, under this section, an individual is a parent of a gestational child who is conceived after the individual's death, the child shall be treated as in gestation at the individual's death for purposes of section 560:2-104(b)(2) if the child is:
 - (1) In utero no later than thirty-six months after the individual's death; or
 - (2) Born no later than forty-five months after the individual's death.
- (i) This section shall not affect other laws of this State governing the enforceability or validity of a gestational agreement.

§560:2-H Equitable adoption. This subpart shall not affect the doctrine of equitable adoption.”

SECTION 3. Chapter 560, Hawaii Revised Statutes, is amended by designating sections 560:2-101 to 560:2-114 under article II, part 1, as subpart A and inserting a title before section 560:2-101 to read as follows:

“A. GENERAL PROVISIONS”

PART III

SECTION 4. Chapter 560, Hawaii Revised Statutes, is amended by adding two new sections to article II, part 8, to be appropriately designated and to read as follows:

“§560:2- Reformation to correct mistakes. The court may reform the terms of a governing instrument, even if unambiguous, to conform the terms to the transferor's intention if it is proved by clear and convincing evidence what the transferor's intention was and that the terms of the governing instrument were affected by a mistake of fact or law, whether in expression or inducement.

§560:2- Modification to achieve transferor's tax objectives. To achieve the transferor's tax objectives, the court may modify the terms of a governing instrument in a manner that is not contrary to the transferor's probable intention. The court may provide that the modification has retroactive effect.”

SECTION 5. Chapter 560, Hawaii Revised Statutes, is amended by adding a new part to article III to be appropriately designated and to read as follows:

“PART . UNIFORM ESTATE TAX APPORTIONMENT ACT

§560:3-A Short title. This part may be cited as the Uniform Estate Tax Apportionment Act.

§560:3-B Definitions. In this part:
 “Apportionable estate” means the value of the gross estate as finally determined for purposes of the estate tax to be apportioned, reduced by:

- (1) Any claim or expense allowable as a deduction for purposes of the tax;

- (2) The value of any interest in property that, for purposes of the tax, qualifies for a marital or charitable deduction or is otherwise deductible or exempt; and
- (3) Any amount added to the decedent's gross estate because of a gift tax on transfers made before death.

"Estate tax" means a federal, state, or foreign tax imposed because of the death of an individual and any interest and penalties associated with the tax. "Estate tax" does not include an inheritance tax, income tax, or generation-skipping transfer tax incurred on a direct skip taking effect at death.

"Gross estate" means, with respect to an estate tax, all interests in property subject to the tax.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Ratable" or "ratably" means apportioned or allocated pro rata, according to the relative values of interests to which the term is applied.

"Time-limited interest" means an interest in property that terminates on a lapse of time or on the occurrence or nonoccurrence of an event or that is subject to the exercise of discretion that could transfer a beneficial interest to another person. "Time-limited interest" does not include a cotenancy unless the cotenancy itself is a time-limited interest.

"Value" means, with respect to an interest in property, fair market value as finally determined for purposes of the estate tax that is to be apportioned, reduced by any outstanding debt secured by the interest without reduction for taxes paid or required to be paid or for any special valuation adjustment.

§560:3-C Apportionment by will or other dispositive instrument.

(a) Except as otherwise provided in subsection (c), the following rules shall apply:

- (1) To the extent that a provision of a decedent's will expressly and unambiguously directs the apportionment of an estate tax, the tax shall be apportioned accordingly;
- (2) Any portion of an estate tax not apportioned pursuant to paragraph (1) shall be apportioned in accordance with any revocable trust of which the decedent was the settlor that expressly and unambiguously directs the apportionment of an estate tax. If conflicting apportionment provisions appear in two or more revocable trust instruments, the provisions in the most recently dated instrument shall prevail. For purposes of this paragraph:
 - (A) A trust is revocable if it was revocable immediately after the trust instrument was executed, even if the trust subsequently becomes irrevocable; and
 - (B) The date of an amendment to a revocable trust instrument is the date of the amendment instrument only if the amendment contains an apportionment provision; and
- (3) If any portion of an estate tax is not apportioned pursuant to paragraph (1) or (2) and a provision in any other dispositive instrument expressly and unambiguously directs that any interest in the property disposed of by the instrument is, or is not, to be applied to the payment of the estate tax attributable to the interest disposed of by the instrument, the provision shall control the apportionment of the tax to that interest.

(b) Subject to subsection (c), and unless the decedent expressly and unambiguously directs the contrary, the following rules shall apply:

- (1) If an apportionment provision directs that a person receiving an interest in property under an instrument is to be exonerated from the responsibility to pay an estate tax that would otherwise be apportioned to the interest:
 - (A) The tax attributable to the exonerated interest shall be apportioned among the other persons receiving interests passing under the instrument; or
 - (B) If the values of the other interests are less than the tax attributable to the exonerated interest, the deficiency shall be apportioned ratably among the other persons receiving interests in the apportionable estate that are not exonerated from apportionment of the tax;
- (2) If an apportionment provision directs that an estate tax is to be apportioned to an interest in property, a portion of which qualifies for a marital or charitable deduction, the estate tax shall first be apportioned ratably among the holders of the portion that does not qualify for a marital or charitable deduction and then apportioned ratably among the holders of the deductible portion to the extent that the value of the nondeductible portion is insufficient;
- (3) Except as otherwise provided in paragraph (4), if any apportionment provision directs that an estate tax be apportioned to property in which one or more time-limited interests exist, other than interests in a specified property under section 560:3-G, the tax shall be apportioned to the principal of the property, regardless of the deductibility of some of the interests in that property; and
- (4) If an apportionment provision directs that an estate tax is to be apportioned to the holders of interests in property in which one or more time-limited interests exist, and a charity has an interest that otherwise qualifies for an estate tax charitable deduction, the tax shall first be apportioned, to the extent feasible, to interests in property that have not been distributed to the persons entitled to receive the interests.

(c) A provision that apportions an estate tax shall be deemed ineffective to the extent that it increases the tax apportioned to a person having an interest in the gross estate over which the decedent had no power to transfer immediately before the decedent executed the instrument in which the apportionment direction was made. For purposes of this subsection, a testamentary power of appointment is a power to transfer the property that is subject to the power.

§560:3-D Statutory apportionment of estate taxes. To the extent that apportionment of an estate tax is not controlled by an instrument described in section 560:3-C, and except as otherwise provided in sections 560:3-F and 560:3-G, the following rules shall apply:

- (1) Subject to paragraphs (2), (3), and (4), the estate tax shall be apportioned ratably to each person that has an interest in the apportionable estate;
- (2) A generation-skipping transfer tax incurred on a direct skip taking effect at death shall be charged to the person to which the interest in property is transferred;
- (3) If property is included in the decedent's gross estate because of section 2044 of the Internal Revenue Code of 1986, as amended, or any

- similar estate tax provision, the difference between the total estate tax for which the decedent's estate is liable and the amount of estate tax for which the decedent's estate would have been liable if the property had not been included in the decedent's gross estate shall be apportioned ratably among the holders of interest in the property. The balance of the tax, if any, shall be apportioned ratably to each other person having an interest in the apportionable estate; and
- (4) Except as otherwise provided in section 560:3-C(b)(4) and except as to property to which section 560:3-G applies, an estate tax apportioned to persons holding interests in property subject to a time-limited interest shall be apportioned, without further apportionment, to the principal of that property.

§560:3-E Credits and referrals. Except as otherwise provided in sections 560:3-F and 560:3-G, the following rules shall apply to credits and deferrals of estate taxes:

- (1) A credit resulting from the payment of gift taxes, or from estate taxes paid on property previously taxed, shall inure ratably to the benefit of all persons to which the estate tax is apportioned;
- (2) A credit for state or foreign estate taxes shall inure ratably to the benefit of all persons to which the estate tax is apportioned; provided that the amount of a credit for a state or foreign tax paid by a beneficiary of the property on which the state or foreign tax was imposed, directly or by a charge against the property, shall inure to the benefit of the beneficiary; and
- (3) If payment of a portion of an estate tax is deferred because of the inclusion in the gross estate of a particular interest in property, the benefit of the deferral shall inure ratably to the persons to which the estate tax attributable to the interest is apportioned. The burden of any interest charges incurred on a deferral of taxes and the benefit of any tax deduction associated with the accrual or payment of the interest charge shall be allocated ratably among the persons receiving an interest in the property.

§560:3-F Insulated property; advancement of tax. (a) In this section: "Advanced fraction" means a fraction that has as its numerator the amount of the advanced tax and as its denominator the value of the interests in insulated property to which that tax is attributable.

"Advanced tax" means the aggregate amount of estate tax attributable to interests in insulated property that is required to be advanced by uninsulated holders under subsection (c).

"Insulated property" means property subject to a time-limited interest that is included in the apportionable estate but is unavailable for payment of an estate tax because of impossibility or impracticability.

"Uninsulated holder" means a person who has an interest in uninsulated property.

"Uninsulated property" means property included in the apportionable estate other than insulated property.

(b) If an estate tax is to be advanced pursuant to subsection (c) by persons holding interests in uninsulated property subject to a time-limited interest other than property to which section 560:3-G applies, the tax shall be advanced, without further apportionment, from the principal of the uninsulated property.

(c) Subject to section 560:3-I(b) and (d), an estate tax attributable to interests in insulated property shall be advanced ratably by uninsured holders. If the value of an interest in uninsured property is less than the amount of estate taxes otherwise required to be advanced by the holder of that interest, the deficiency shall be advanced ratably by the persons holding interests in properties that are excluded from the apportionable estate under paragraph (2) of the definition of “apportionable estate” in section 560:3-B as if those interests were in uninsured property.

(d) A court having jurisdiction to determine the apportionment of an estate tax may require a beneficiary of an interest in insulated property to pay all or part of the estate tax otherwise apportioned to the interest if the court finds that it would be substantially more equitable for that beneficiary to bear the tax liability personally than for that part of the tax to be advanced by uninsured holders.

(e) When a distribution of insulated property is made, each uninsured holder may recover from the distributee a ratable portion of the advanced fraction of the property distributed. To the extent that undistributed insulated property ceases to be insulated, each uninsured holder may recover from the property a ratable portion of the advanced fraction of the total undistributed property.

(f) Upon a distribution of insulated property for which, pursuant to subsection (d), the distributee becomes obligated to make a payment to uninsured holders, a court may award an uninsured holder a recordable lien on the distributee’s property to secure the distributee’s obligation to that uninsured holder.

§560:3-G Apportionment and recapture of special elective benefits.

(a) In this section:

“Special elective benefit” means a reduction in an estate tax obtained by an election for:

- (1) A reduced valuation of specified property that is included in the gross estate;
- (2) A deduction from the gross estate, other than a marital or charitable deduction, allowed for specified property; or
- (3) An exclusion from the gross estate of specified property.

“Specified property” means property for which an election has been made for a special elective benefit.

(b) If an election is made for one or more special elective benefits, an initial apportionment of a hypothetical estate tax shall be computed as if no election for any of those benefits had been made. The aggregate reduction in estate tax resulting from all elections made shall be allocated among holders of interests in the specified property in the proportion that the amount of deduction, reduced valuation, or exclusion attributable to each holder’s interest bears to the aggregate amount of deductions, reduced valuations, and exclusions obtained by the decedent’s estate from the elections. If the estate tax initially apportioned to the holder of an interest in specified property is reduced to zero, any excess amount of reduction shall reduce ratably the estate tax apportioned to other persons that receive interests in the apportionable estate.

(c) An additional estate tax imposed to recapture all or part of a special elective benefit shall be charged to the persons that are liable for the additional tax under the law providing for the recapture.

§560:3-H Securing payment of estate tax from property in possession of fiduciary. (a) A fiduciary may defer a distribution of property until the

fiduciary is satisfied that adequate provision for payment of the estate tax has been made.

(b) A fiduciary may withhold from a distributee an amount equal to the amount of estate tax apportioned to an interest of the distributee.

(c) As a condition to a distribution, a fiduciary may require the distributee to provide a bond or other security for the portion of the estate tax apportioned to the distributee.

§560:3-I Collection of estate tax by fiduciary. (a) A fiduciary responsible for payment of an estate tax may collect from any person the tax apportioned to and the tax required to be advanced by the person.

(b) Except as otherwise provided in section 560:3-F, any estate tax due from a person that cannot be collected from the person may be collected by the fiduciary from other persons in the following order of priority:

(1) Any person having an interest in the apportionable estate that is not exonerated from the tax;

(2) Any other person having an interest in the apportionable estate; and

(3) Any person having an interest in the gross estate.

(c) A domiciliary fiduciary may recover from an ancillary personal representative the estate tax apportioned to the property controlled by the ancillary personal representative.

(d) The total tax collected from a person pursuant to this part may not exceed the value of the person's interest.

§560:3-J Right of reimbursement. (a) A person required under section 560:3-I to pay an estate tax greater than the amount due from the person under section 560:3-C or 560:3-D shall have a right to reimbursement from another person to the extent that the other person has not paid the tax required by section 560:3-C or 560:3-D and a right to reimbursement ratably from other persons to the extent that each has not contributed a portion of the amount collected under section 560:3-I(b).

(b) A fiduciary may enforce the right of reimbursement under subsection (a) on behalf of the person that is entitled to the reimbursement and shall take reasonable steps to do so if requested by the person.

§560:3-K Action to determine or enforce part. A fiduciary, transferee, or beneficiary of the gross estate may maintain an action for declaratory judgment to have a court determine and enforce this part.

§560:3-L Delayed application. (a) Sections 560:3-C to 560:3-G shall not apply to the estate of a decedent who dies on or within three years after the effective date of this part, nor to the estate of a decedent who dies more than three years after the effective date of this part if the decedent continuously lacked testamentary capacity from the expiration of the three-year period until the date of death.

(b) For the estate of a decedent who dies on or after the effective date of this part to which sections 560:3-C to 560:3-G do not apply, estate taxes shall be apportioned pursuant to the law in effect immediately before the effective date of this part."

PART IV

SECTION 6. Section 560:1-201, Hawaii Revised Statutes, is amended as follows:

1. By adding three¹ new definitions to be appropriately inserted and to read:

“Assisted reproduction” means a method of causing pregnancy other than sexual intercourse.

“Probate proceeding” means a formal or informal proceeding to probate a will, formal or informal proceeding to appoint a personal representative, or formal proceeding to adjudicate intestacy.

“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.

“Sign” means, with present intent to authenticate or adopt a record other than a will, to:

- (1) Execute or adopt a tangible symbol; or
- (2) Attach to or logically associate with the record an electronic symbol, sound, or process.”

2. By amending the definition of “beneficiary” to read:

~~““Beneficiary”, as it relates to a [trust beneficiary, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer; as it relates to a charitable trust, includes any person entitled to enforce the trust; as it relates to a “beneficiary of a beneficiary designation”, refers to a beneficiary of an insurance or annuity policy, of an account with POD designation, of a security registered in beneficiary form (TOD), or of a pension, profit-sharing, retirement, or similar benefit plan, or other nonprobate transfer at death; and, as it relates to a “beneficiary]:~~

(1) “Beneficiary designated in a governing instrument”, [includes] means a [grantee]:

(A) Grantee of a deed[-; a devisee, a trust];

(B) Devisee;

(C) Trust beneficiary[-; a beneficiary];

(D) Beneficiary of a beneficiary designation[-; a donee];

(E) Donee, appointee, or taker in default of a power of appointment[-]; or [a person]

(F) Person in whose favor a power of attorney or a power held in any individual, fiduciary, or representative capacity is exercised[-];

(2) “Beneficiary of a beneficiary designation”, means a beneficiary of:

(A) An insurance or annuity policy;

(B) An account with POD designation;

(C) A security registered in beneficiary form (TOD);

(D) A transfer on death deed;

(E) A pension, profit-sharing, retirement, or similar benefit plan; or

(F) Any other nonprobate transfer at death;

(3) “Charitable trust”, means any person entitled to enforce the trust; and

(4) “Trust beneficiary”, means:

(A) A person who has any present or future interest, vested or contingent; or

(B) The owner of an interest by assignment or other transfer.”

3. By amending the definition of “issue” to read:

~~““Issue” of [a person] an individual means descendant as defined in this section.”~~

SECTION 7. Section 560:1-401, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If notice of a hearing on any petition is required and except for specific notice requirements as otherwise provided, the petitioner shall cause notice of the time and place of hearing of any petition to be given to any interested person or the person’s attorney if the person has appeared by attorney or requested that notice be sent to the person’s attorney, or, in the case of a minor or an incapacitated person, the minor’s or incapacitated person’s parent or guardian, as appropriate. Notice shall be given:

- (1) By mailing a copy thereof at least fourteen days before the time set for the hearing by certified, registered, or ordinary ~~[first-class]~~ first-class mail addressed to the person being notified at the post office address given in the person’s demand for notice, if any, or at the person’s office or place of residence, if known;
- (2) By delivering a copy thereof to the person being notified personally at least fourteen days before the time set for the hearing; or
- (3) If the address or identity of any person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for ~~[three]~~ two consecutive weeks, a copy thereof in a newspaper having general circulation in the judicial circuit where the hearing is to be held, the last publication of which is to be at least ten days before the time set for the hearing.”

SECTION 8. Section 560:1-403, Hawaii Revised Statutes, is amended to read as follows:

“**§560:1-403 Pleadings; when parties bound by others; notice.** In formal proceedings involving trusts or estates of decedents, minors, protected persons, or incapacitated persons, and in judicially supervised settlements, the following rules shall apply:

- (1) Interests to be affected shall be described in pleadings ~~[which]~~ that give reasonable information to owners by name or class, by reference to the instrument creating the interests, or in ~~[other]~~ another appropriate manner;
- (2) ~~[Persons are]~~ A person shall be bound by ~~[orders]~~ an order binding ~~[others]~~ another in the following cases:
 - (A) Orders binding the sole holder or all co-holders of a power of revocation or a presently exercisable general power of appointment, including one in the form of a power of amendment, shall bind other persons to the extent their interests (as objects, takers in default, or otherwise) are subject to the power;
 - (B) To the extent there is no conflict of interest between them or among persons represented, ~~[orders binding a]~~ an order binding:
 - (i) A conservator shall bind the person whose estate the conservator controls; ~~[orders binding a]~~
 - (ii) A guardian shall bind the ward if no conservator of the ward’s estate has been appointed; ~~[orders binding a]~~
 - (iii) A trustee shall bind beneficiaries of the trust in proceedings to probate a will establishing or adding to a trust, to review the acts or accounts of a ~~[prior]~~ former fiduciary, and in proceedings involving creditors or other third parties; ~~[and orders binding a]~~
 - (iv) A personal representative shall bind persons interested in the undistributed assets of a decedent’s estate in ac-

- tions or proceedings by or against the estate~~[-If there is no conflict of interest and no conservator or guardian has been appointed, a parent may represent the parent's minor child];~~ and
- (v) A sole holder or all co-holders of a general testamentary power of appointment shall bind other persons to the extent their interests as objects, takers in default, or otherwise are subject to the power; and
- (C) ~~[An]~~ Unless otherwise represented, a minor or an incapacitated, unborn, or unascertained person [who is not otherwise represented is] shall be bound by an order to the extent the person's interest is adequately represented by another party having a substantially identical interest in the proceeding;
- (3) If no conservator or guardian has been appointed, a parent may represent a minor child;
- ~~[(3)]~~ (4) Notice is required as follows:
- (A) ~~[Notice]~~ The notice as prescribed by section 560:1-401 shall be given to every interested person or to one who can bind an interested person as described in paragraph (2)(A) or (2)(B). Notice may be given both to a person and to another who may bind the person; and
- (B) Notice is given to unborn or unascertained persons~~[;]~~ who are not represented under paragraph (2)(A) or (2)(B)~~[;]~~ by giving notice to all known persons whose interests in the proceedings are substantially identical to those of the unborn or unascertained persons; and
- ~~[(4)]~~ (5) At any point in a proceeding, a court may appoint a guardian ad litem to represent the interest of a minor, an incapacitated, unborn, or unascertained person, or a person whose identity or address is unknown, if the court determines that representation of the interest otherwise would be inadequate. If not precluded by conflict of interests, a guardian ad litem may be appointed to represent several persons or interests. The court shall set out its reasons for appointing a guardian ad litem as a part of the record of the proceeding.”

SECTION 9. Section 560:2-102, Hawaii Revised Statutes, is amended to read as follows:

“**§560:2-102 Share of spouse or reciprocal beneficiary.** The intestate share of a decedent's surviving spouse or reciprocal beneficiary ~~[is:]~~ shall be:

- (1) The entire intestate estate if:
- (A) No descendant or parent of the decedent survives the decedent; or
- (B) All of the decedent's surviving descendants are also descendants of the surviving spouse or reciprocal beneficiary and there is no other descendant of the surviving spouse or reciprocal beneficiary who survives the decedent;
- (2) The first ~~[\$200,000,]~~ \$400,000, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;
- (3) The first ~~[\$150,000,]~~ \$330,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse or reciprocal beneficiary and the surviving spouse or reciprocal beneficiary has one or more surviving descendants who are not descendants of the decedent; or

- (4) The first [~~\$100,000,~~] \$220,000, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse or reciprocal beneficiary."

SECTION 10. Section 560:2-103, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-103 Share of heirs other than surviving spouse or reciprocal beneficiary. (a) Definitions. In this section:

“Deceased parent”, “deceased grandparent”, or “deceased spouse” means a parent, grandparent, or spouse, as applicable, who either predeceased the decedent or is deemed under this article to have predeceased the decedent.

“Surviving parent”, “surviving grandparent”, “surviving spouse”, “surviving reciprocal beneficiary”, or “surviving descendant” means a parent, grandparent, spouse, reciprocal beneficiary, or descendant who neither predeceased the decedent nor is deemed under this article to have predeceased the decedent.

(b) Heirs other than surviving spouse or reciprocal beneficiary. Any part of the intestate estate not passing to the decedent's surviving spouse or reciprocal beneficiary under section 560:2-102[~~, or the entire intestate estate if there is no surviving spouse or reciprocal beneficiary,~~ passes in the following order to the individuals designated below who survive the decedent:

- (1) ~~To the decedent's descendants by representation;~~
- (2) ~~If there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent; provided, however, if the decedent is a minor, and if it is shown by clear and convincing evidence that any parent has:~~
 - (A) ~~Deserted the child without affording means of identification for a period of at least ninety days;~~
 - (B) ~~Failed to communicate with the child when able to do so for a period of at least one year when the child is in the custody of another; or~~
 - (C) ~~Failed to provide for care and support of the child when able to do so for a period of at least one year when the child is in the custody of another despite a child support order requiring such support;~~

~~such parent shall be deemed to have predeceased the decedent;~~
- (3) ~~If there is no surviving descendant or parent entitled to inherit, to the descendants of the decedent's parents or either of them by representation; and~~
- (4) ~~If there is no surviving descendant, parent entitled to take, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation; and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.]~~

shall pass to the decedent's descendants or parents as provided in subsections (c) and (d). If there is no surviving spouse or reciprocal beneficiary, the entire

interest estate shall pass to the decedent's descendants, parents, or other heirs as provided in subsections (c) through (j).

(c) Surviving descendant. If a decedent is survived by one or more descendants, any part of the intestate estate not passed to the surviving spouse or reciprocal beneficiary shall pass by representation to the decedent's surviving descendants.

(d) Surviving parent. If a decedent is not survived by a descendant but is survived by one or more parents, any part of the intestate share not passing to the surviving spouse or reciprocal beneficiary shall be distributed as follows:

(1) The intestate estate or part thereof shall be divided into as many equal shares as there are:

(A) Surviving parents; and

(B) Deceased parents with one or more surviving descendants, if any, as determined under subsection (e);

(2) One share shall pass to each surviving parent; provided that if the decedent is a minor, and if it is shown by clear and convincing evidence that any parent has:

(A) Deserted the minor without affording means of identification for a period of at least ninety days;

(B) Failed to communicate with the minor when able to do so for a period of at least one year when the minor is in the custody of another; or

(C) Failed to provide for care and support of the minor when able to do so for a period of at least one year when the minor is in the custody of another, despite an order requiring child support.

the parent shall be deemed to have predeceased the decedent; and

(3) The balance of the intestate estate or part thereof, if any, shall pass by representation to the surviving descendants of the decedent's deceased parents, as determined under subsection (e).

(e) When a parent survives: computation of shares of surviving descendants of a deceased parent. The following rules shall apply under subsection (d) to determine whether a deceased parent of the decedent is treated as having a surviving descendant:

(1) If all the surviving descendants of one or more deceased parents are also descendants of one or more surviving parents, those descendants shall be deemed to have predeceased the decedent; and

(2) If two or more deceased parents have the same surviving descendants and none of those deceased parents has any other surviving descendants, those deceased parents shall be deemed to be one deceased parent with surviving descendants.

(f) Surviving descendant of deceased parent. If a decedent is not survived by a descendant or parent but is survived by one or more descendants of a deceased parent, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased parents.

(g) Surviving grandparents. If a decedent is not survived by a descendant, parent, or descendant of a parent but is survived by one or more grandparents, the intestate estate shall be distributed as follows:

(1) The intestate estate shall be divided into as many equal shares as there are:

(A) Surviving grandparents; and

(B) Deceased grandparents with one or more surviving descendants, if any, as determined under subsection (h);

(2) One share shall pass to each surviving grandparent; and

- (3) The balance of the intestate estate, if any, shall pass by representation to the surviving descendants of the decedent's deceased grandparents, as determined under subsection (h).
- (h) When a grandparent survives: computation of shares of surviving descendants of a deceased grandparent. The following rules shall apply under subsection (g) to determine whether a deceased grandparent of the decedent is treated as having a surviving descendant:
 - (1) If all of the surviving descendants of one or more deceased grandparents are also descendants of one or more surviving grandparents, those descendants shall be deemed to have predeceased the decedent; and
 - (2) If two or more deceased grandparents have the same surviving descendants and none of those deceased grandparents has any other surviving descendant, those deceased grandparents shall be deemed to be one deceased grandparent with surviving descendants.
 - (i) Surviving descendant of deceased grandparent. If a decedent is not survived by a descendant, parent, descendant of a parent, or grandparent but is survived by one or more descendants of a grandparent, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased grandparents.
 - (j) Surviving descendants of deceased spouse or reciprocal beneficiary. If a decedent is not survived by a descendant, parent, descendant of a parent, grandparent, or descendant of a grandparent but is survived by one or more descendants of a deceased spouse or reciprocal beneficiary, the intestate estate shall pass by representation to the surviving descendants of the decedent's deceased spouses or reciprocal beneficiaries."

SECTION 11. Section 560:2-104, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-104 Requirement [that heir survive decedent for] of survival by one hundred twenty hours[-]; gestational period; pregnancy after decedent's death.

- (a) In this section, “gestational period” means the time between the start of a pregnancy and birth.
- (b) For purposes of intestate succession, homestead allowance, and exempt property, and except as otherwise provided in subsection (c), the following rules shall apply:
 - (1) An individual born before a decedent's death who fails to survive the decedent by one hundred twenty hours [is] shall be deemed to have predeceased the decedent [for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly]. If it is not established by clear and convincing evidence that an individual [who would otherwise be an heir] born before a decedent's death survived the decedent by one hundred twenty hours, it [is] shall be deemed that the individual failed to survive for the required period[-].
 - (2) An individual in gestation at the decedent's death shall be deemed to be living at the decedent's death if the individual lives one hundred twenty hours after birth. If it is not established by clear and convincing evidence that an individual in gestation at the decedent's death lived one hundred twenty hours after birth, it shall be deemed that the individual failed to survive for the required period; and
 - (3) If the decedent dies before the start of a pregnancy by assisted reproduction resulting in the birth of an individual who lives at least one hundred twenty hours after birth, that individual shall be deemed to

be living at the decedent's death if the decedent's personal representative, no later than six months after the decedent's death, received notice or had actual knowledge of an intent to use genetic material in the assisted reproduction and:

(A) The embryo was in utero no later than thirty-six months after the decedent's death; or

(B) The individual was born no later than forty-five months after the decedent's death.

(c) This section [is] shall not [to be applied] apply if its application would [result in a taking of intestate] cause the estate [by] to pass to the State under section 560:2-105."

SECTION 12. Section 560:2-106, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-106 Representation. (a) Definitions. In this section:

“Deceased descendant”, “deceased parent”, ~~[ø]~~ “deceased grandparent”, “deceased spouse”, or “deceased reciprocal beneficiary” means a descendant, parent, ~~[ø]~~ grandparent, spouse, or reciprocal beneficiary who either predeceased the decedent or is deemed to have predeceased the decedent under section 560:2-104.

“Surviving descendant” means a descendant who neither predeceased the decedent nor is deemed to have predeceased the decedent under section 560:2-104.

(b) Decedent's descendants. If, under section ~~[560:2-103(1);]~~ 560:2-103(c), all or part of a decedent's intestate estate ~~[øf a part thereof]~~ passes “by representation” to the decedent's descendants, the estate or part thereof [is] shall be divided into as many equal shares as there are:

- (1) Surviving descendants in the generation nearest to the decedent ~~[which] that~~ contains one or more surviving descendants; and
- (2) Deceased descendants in the same generation who left surviving descendants, if any.

Each surviving descendant in the nearest generation [is] shall be allocated one share. The remaining shares, if any, ~~[are] shall be~~ combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the decedent.

~~[(e) Descendants of parents or grandparents. If, under section 560:2-103(3) or (4), a decedent's intestate estate or a part thereof passes “by representation” to the descendants of the decedent's deceased parents or either of them or to the descendants of the decedent's deceased paternal or maternal grandparents or either of them, the estate or part thereof is divided into as many equal shares as there are:~~

- ~~(1) Surviving descendants in the generation nearest the deceased parents or either of them, or the deceased grandparents or either of them, that contains one or more surviving descendants; and~~
- ~~(2) Deceased descendants in the same generation who left surviving descendants, if any.~~

~~Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the decedent.]~~

(c) Descendants of parent when parent survives. If a decedent is survived by one or more parents and, under section 560:2-103(d) and (e), the

balance of the decedent's intestate estate or part thereof passes by representation to the surviving descendants of one or more of the decedent's deceased parents, the balance shall pass to those descendants as if they were the decedent's surviving descendants under subsection (b).

(d) Descendants of parent when no parent survives. If a decedent is not survived by a parent and, under section 560:2-103(f), the decedent's intestate estate passes by representation to the surviving descendants of one or more of the decedent's deceased parents, the intestate estate shall pass to those descendants as if they were the decedent's surviving descendants under subsection (b).

(e) Descendants of grandparent when grandparent survives. If a decedent is survived by one or more grandparents and, under section 560:2-103(g) and (h), the balance of the decedent's intestate estate passes by representation to the surviving descendants of one or more of the decedent's deceased grandparents, the balance shall pass to those descendants as if they were the decedent's surviving descendants under subsection (b).

(f) Descendants of grandparent when no grandparent survives. If a decedent is not survived by a grandparent and, under section 560:2-103(i), the decedent's intestate estate passes by representation to the surviving descendants of one or more of the decedent's deceased grandparents, the intestate estate shall pass to those descendants as if they were the decedent's surviving descendants under subsection (b).

(g) Descendants of deceased spouse or reciprocal beneficiary. If a decedent is survived by descendants of one or more deceased spouses or reciprocal beneficiaries and, under section 560:2-103(j), the decedent's intestate estate passes by representation to the surviving descendants of one or more of the decedent's deceased spouses or reciprocal beneficiaries, the intestate estate shall pass to those descendants as if they were the decedent's surviving descendants under subsection (b)."

SECTION 13. Section 560:2-107, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-107 [Kindred of half blood.—Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.] **Inheritance without regard to number of common ancestors in the same generation.** An heir shall inherit without regard to how many common ancestors in the same generation the heir shares with the decedent."

SECTION 14. Section 560:2-113, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-113 Individuals related to decedent through ~~two lines~~ more than one line. An individual who is related to the decedent through ~~two lines~~ more than one line of relationship [is] shall be entitled to only a single share based on ~~the~~ one line of relationship ~~that would entitle the individual to the larger share~~. If the shares from the lines of relationship are unequal, the individual shall be entitled to the largest share. The individual and the individual's descendants shall be deemed to have predeceased the decedent with respect to the other line or lines of relationship."

SECTION 15. Section 560:2-114, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-114 Parent ~~and child relationship.~~ (a) Except as provided in subsections (b) and (c), for purposes of intestate succession by, through, or from a person, an individual is the child of the child's natural parents, regardless of

their marital status. The parent and child relationship may be established under chapter 584.

(b) ~~An adopted individual is the child of the child's adopting parent or parents and not of the child's natural parents, except that:~~

(1) ~~Adoption of a child by the spouse or reciprocal beneficiary of either natural parent has no effect on:~~

(A) ~~The relationship between the child and that natural parent; or~~

(B) ~~The right of the child or a descendant of the child to inherit from or through the other natural parent; and~~

(2) ~~Adoption of a child during such child's minority by the spouse or reciprocal beneficiary of a natural parent of the child, by a natural grandparent, aunt, uncle, or sibling of the child or the spouse or reciprocal beneficiary of a natural grandparent, aunt, uncle, or sibling of the child has no effect on the relationship between the child and either natural parent, for the limited purpose of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for the purposes of determining the heirs at law of a natural family member of the child.~~

(c) ~~Inheritance from or through a child by either natural parent or the parent's kindred is precluded unless that natural parent has openly treated the child as the natural parent's, and has not refused to support the child.~~

(d) ~~For the purposes of this section, if a person has been adopted more than once, the term "natural parent" includes an adopting parent by an earlier adoption.]~~ **barred from inheriting in certain circumstances.**

(a) A parent shall be barred from inheriting from or through a child of the parent if:

(1) The parent's parental rights were terminated and the parent-child relationship was not judicially reestablished; or

(2) The child died before reaching eighteen years of age and there is clear and convincing evidence that immediately before the child's death, the parental rights of the parent could have been terminated under the laws of this State, other than this chapter, on the basis of nonsupport, abandonment, abuse, neglect, or other actions or inactions of the parent toward the child.

(b) For the purpose of intestate succession from or through the deceased child, a parent who is barred from inheriting under this section shall be treated as if the parent predeceased the child.

(c) Except as otherwise provided in section 560:2-E(b), the termination of a parent's parental rights to a child shall have no effect on the right of the child or a descendant of the child to inherit from or through the parent."

SECTION 16. Section 560:2-202, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Elective-share amount. The surviving spouse or reciprocal beneficiary of a decedent who dies domiciled in this State ~~[has]~~ shall have a right of election, under the limitations and conditions stated in this part, to take an elective-share amount equal to ~~[the value of the elective-share percentage]~~ fifty per cent of the value of the marital-property portion of the augmented estate[-, determined by the length of time the spouse and the decedent were married to each other, or the reciprocal beneficiary and the decedent were in a reciprocal beneficiary relationship, in accordance with the following schedule:

If the decedent and the spouse were married to each other, or the decedent and the reciprocal beneficiary were in a relationship:

The elective-share percentage is:

Less than 1 year	Supplemental amount only.
1 year but less than 2 years	3% of the augmented estate.
2 years but less than 3 years	6% of the augmented estate.
3 years but less than 4 years	9% of the augmented estate.
4 years but less than 5 years	12% of the augmented estate.
5 years but less than 6 years	15% of the augmented estate.
6 years but less than 7 years	18% of the augmented estate.
7 years but less than 8 years	21% of the augmented estate.
8 years but less than 9 years	24% of the augmented estate.
9 years but less than 10 years	27% of the augmented estate.
10 years but less than 11 years	30% of the augmented estate.
11 years but less than 12 years	34% of the augmented estate.
12 years but less than 13 years	38% of the augmented estate.
13 years but less than 14 years	42% of the augmented estate.
14 years but less than 15 years	46% of the augmented estate.
15 years or more	50% of the augmented estate;

provided, however, the surviving spouse or reciprocal beneficiary may elect to take a share smaller than that to which the surviving spouse or reciprocal beneficiary is entitled hereunder].

(b) Supplemental elective-share amount. If the sum of the amounts described in sections 560:2-207, 560:2-209(a)(1), and that part of the elective-share amount payable from the decedent's net probate estate and nonprobate transfers to others under section [560:2-209(b) and (e)] 560:2-209(c) and (d) is less than [~~\$50,000.~~] \$90,000, the surviving spouse or reciprocal beneficiary [is] shall be entitled to a supplemental elective-share amount equal to [~~\$50,000~~] \$90,000 minus the sum of the amounts described in those sections. The supplemental elective-share amount [is] shall be payable from the decedent's net probate estate and from recipients of the decedent's nonprobate transfers to others in the order of priority set forth in section [560:2-209(b) and (e).] 560:2-209(c) and (d)."

SECTION 17. Section 560:2-203, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-203 Composition of the augmented estate. (a) Subject to section 560:2-208, the value of the augmented estate, to the extent provided in sections 560:2-204, 560:2-205, 560:2-206, and 560:2-207, [~~eonsists~~] shall consist of the sum of the values of all property, whether real or personal[;], movable or immovable, tangible or intangible, wherever situated, that constitute the [~~decedent's~~];

- (1) Decedent's net probate estate[; ~~the decedent's~~];
- (2) Decedent's nonprobate transfers to others[; ~~the decedent's~~];
- (3) Decedent's nonprobate transfers to the surviving spouse or reciprocal beneficiary[; ~~and the surviving~~]; and
- (4) Surviving spouse's property or reciprocal beneficiary's property and nonprobate transfers to others.

(b) The value of the marital-property portion of the augmented estate shall consist of the sum of the values of the four components of the augmented estate as determined under subsection (a) multiplied by the following percentage:

<u>Less than 1 year.....</u>	<u>3%</u>
<u>1 year but less than 2 years.....</u>	<u>6%</u>
<u>2 years but less than 3 years.....</u>	<u>12%</u>
<u>3 years but less than 4 years.....</u>	<u>18%</u>
<u>4 years but less than 5 years.....</u>	<u>24%</u>
<u>5 years but less than 6 years.....</u>	<u>30%</u>
<u>6 years but less than 7 years.....</u>	<u>36%</u>
<u>7 years but less than 8 years.....</u>	<u>42%</u>
<u>8 years but less than 9 years.....</u>	<u>54%</u>
<u>9 years but less than 10 years.....</u>	<u>60%</u>
<u>10 years but less than 11 years.....</u>	<u>68%</u>
<u>11 years but less than 12 years.....</u>	<u>76%</u>
<u>12 years but less than 13 years.....</u>	<u>84%</u>
<u>13 years but less than 14 years.....</u>	<u>92%</u>
<u>14 years but less than 15 years.....</u>	<u>96%</u>
<u>15 years or more.....</u>	<u>100%.”</u>

SECTION 18. Section 560:2-205, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-205 Decedent’s nonprobate transfers to others. The value of the augmented estate ~~includes~~ shall include the value of the decedent’s nonprobate transfers to others, not included under section 560:2-204, of any of the following types, in the amount provided respectively for each type of transfer:

- (1) Property owned or owned in substance by the decedent immediately before death that passed outside probate at the decedent’s death. Probate included under this category ~~consists~~ shall consist of:
 - (A) Property over which the decedent alone, immediately before death, held a presently exercisable general power of appointment. The amount included ~~is~~ shall be the value of the property subject to the power, to the extent the property passed at the decedent’s death, by exercise, release, lapse, ~~in~~ default, or otherwise, to or for the benefit of any person other than the decedent’s estate or surviving spouse or reciprocal beneficiary;
 - (B) The decedent’s fractional interest in property held by the decedent in joint tenancy with the right of survivorship. The amount included ~~is~~ shall be the value of the decedent’s fractional interest, to the extent the fractional interest passed by right of survivorship at the decedent’s death to a surviving joint tenant other than the decedent’s surviving spouse or reciprocal beneficiary;
 - (C) The decedent’s ownership interest in property or accounts held in POD, TOD, or co-ownership registration with the right of survivorship. The amount included ~~is~~ shall be the value of the decedent’s ownership interest, to the extent the decedent’s ownership interest passed at the decedent’s death to or for the benefit of any person other than the decedent’s estate or surviving spouse or reciprocal beneficiary. As used herein, “ownership interest” is determined by dividing:
 - (i) ~~the~~ The sum of all the decedent’s deposits to the account, including deposit life insurance proceeds added

- to the account on account of the decedent's death, less all withdrawals made by or for the benefit of the decedent~~;~~ by
- (ii) ~~[the]~~ The sum of all deposits to the account; and
- (D) Proceeds of insurance, including accidental death benefits, on the life of the decedent, if the decedent owned the insurance policy immediately before death or if and to the extent the decedent alone and immediately before death held a presently exercisable general power of appointment over the policy or its proceeds. The amount included ~~[is]~~ shall be the value of the proceeds, to the extent they were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse or reciprocal beneficiary;
- (2) Property transferred in any of the following forms by the decedent during marriage:
- (A) Any irrevocable transfer in which the decedent retained the right to the possession or enjoyment of, or to the income from, the property if and to the extent the decedent's right terminated at or continued beyond the decedent's death. The amount included ~~[is]~~ shall be the value of the fraction of the property to which the decedent's right related, to the extent the fraction of the property passed outside probate to or for the benefit of any person other than the decedent's estate or surviving spouse or reciprocal beneficiary; or
 - (B) Any transfer in which the decedent created a power over income or property, exercisable by the decedent alone or in conjunction with any other person, or exercisable by a nonadverse party, to or for the benefit of the decedent, creditors of the decedent, the decedent's estate, or creditors of the decedent's estate. The amount included with respect to a power over ~~property is~~:
 - (i) Property shall be the value of the property subject to the power~~;~~ and ~~[the amount included with respect to a power over income is]~~
 - (ii) Income shall be the value of the property that produces or produced the income,

to the extent the power in either case was exercisable at the decedent's death to or for the benefit of any person other than the decedent's surviving spouse or reciprocal beneficiary or to the extent the property passed at the decedent's death, by exercise, release, lapse, ~~[in]~~ default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse or reciprocal beneficiary. If the power is a power over both income and property and the preceding sentence produces different amounts, the amount included ~~[is]~~ shall be the greater amount; and
- (3) Property that passed during marriage and during the two-year period next preceding the decedent's death as a result of a transfer by the decedent if the transfer was of any of the following types:
- (A) Any property that passed as a result of the termination of a right or interest in, or power over, property that would have been included in the augmented estate under paragraph (1)(A), (B), or (C), or under paragraph (2), if the right, interest, or power had not terminated until the decedent's death.

The amount included [is] shall be the value of the property that would have been included under those paragraphs if the property were valued at the time the right, interest, or power terminated, and [is] shall be included only to the extent the property passed upon termination to or for the benefit of any person other than the decedent or the decedent's estate, spouse or reciprocal beneficiary, or surviving spouse or reciprocal beneficiary. As used in this subparagraph, "termination", with respect to a [right]:

- (i) Right or interest in property, occurs when the right or interest terminated by the terms of the governing instrument or the decedent transferred or relinquished the right or interest[;]; and[; with respect to a power]
- (ii) Power over property, occurs when the power terminated by exercise, release, lapse, default, or otherwise[; but;]; provided that with respect to a power described in paragraph (1)(A), "termination" occurs when the power terminated by exercise or release, but not otherwise;
- (B) Any transfer of or relating to an insurance policy on the life of the decedent if the proceeds would have been included in the augmented estate under paragraph (1)(D) had the transfer not occurred. The amount included [is] shall be the value of the insurance proceeds to the extent the proceeds were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse or reciprocal beneficiary; or
- (C) Any transfer of property, to the extent not otherwise included in the augmented estate, made to or for the benefit of a person other than the decedent's surviving spouse or reciprocal beneficiary. The amount included [is] shall be the value of the transferred property to the extent the aggregate transfers to any one donee in either of the two years exceeded [~~\$20,000.~~] \$32,000."

SECTION 19. Section 560:2-209, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-209 Sources from which elective share payable. (a) Elective-share amount only. In a proceeding for an elective share, the following [are] shall be applied first to satisfy the elective-share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's nonprobate transfers to others:

- (1) Amounts included in the augmented estate under section 560:2-204 [~~which~~] that pass or have passed to the surviving spouse or reciprocal beneficiary by testate or intestate succession and amounts included in the augmented estate under section 560:2-206; and
- (2) [~~Amounts~~] The marital-property portion of amounts included in the augmented estate under section 560:2-207 [~~up to the applicable percentage thereof. For the purposes of this subsection, the "applicable percentage" is twice the elective-share percentage set forth in the schedule in section 560:2-202(a) appropriate to the length of time:~~
 - (A) ~~The spouse and the decedent were married to each other; or~~
 - (B) ~~The reciprocal beneficiary and the decedent were in a reciprocal beneficiary relationship].~~

(b) The marital-property portion under subsection (a)(2) shall be computed by multiplying the value of the amounts included in the augmented estate under section 560:2-207 by the percentage of the augmented estate set forth in the schedule in section 560:2-203(b), appropriate to the length of the marriage or the reciprocal beneficiary relationship.

~~[(b)]~~ (c) If, after the application of subsection (a), the elective-share amount is not fully satisfied or the surviving spouse or reciprocal beneficiary is entitled to a supplemental elective-share amount, amounts included in the decedent's probate estate, other than assets passing to the surviving spouse or reciprocal beneficiary by testate or intestate succession, and in the decedent's nonprobate transfers to others~~[, other than amounts included]~~ under section [560:2-205(3)(A) or (C), are] 560:2-205(1), (2), and (3)(B), shall be applied first to satisfy the unsatisfied balance of the elective-share amount or the supplemental elective-share amount. The decedent's probate estate and that portion of the decedent's nonprobate transfers to others ~~[are so]~~ shall be applied so that liability for the unsatisfied balance of the elective-share amount or for the supplemental elective-share amount is equitably apportioned among the recipients of the decedent's probate estate and of that portion of the decedent's nonprobate transfers to others in proportion to the value of their interests therein.

~~[(e)]~~ (d) If, after the application of subsections (a) and ~~[(b);]~~ (c), the elective-share or supplemental elective-share amount is not fully satisfied, the remaining portion of the decedent's nonprobate transfers to others ~~[is so]~~ shall be applied so that liability for the unsatisfied balance of the elective-share or supplemental elective-share amount is equitably apportioned among the recipients of the remaining portion of the decedent's nonprobate transfers to others in proportion to the value of their interests therein.

(e) The unsatisfied balance of the elective-share or supplemental elective-share amount as determined under subsection (c) or (d) shall be treated as a general pecuniary devise for purposes of section 560:3-904."

SECTION 20. Section 560:2-212, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Incapacitated surviving spouse or reciprocal beneficiary. If the election is exercised on behalf of a surviving spouse or reciprocal beneficiary who is an incapacitated person, that portion of the elective-share and supplemental elective-share amounts due from the decedent's probate estate and recipients of the decedent's nonprobate transfers to others under section ~~[560:2-209(b) and (e) must]~~ 560:2-209(c) and (d) shall be placed in a custodial trust for the benefit of the surviving spouse or reciprocal beneficiary under chapter 554B, except as modified below. For the purposes of this subsection, an election on behalf of a surviving spouse or reciprocal beneficiary by an agent under a durable power of attorney ~~[is]~~ shall be presumed to be on behalf of a surviving spouse or reciprocal beneficiary who is an incapacitated person. For purposes of the custodial trust established by this subsection:

- (1) The electing guardian, conservator, or agent ~~[is]~~ shall be the custodial trustee;
- (2) The surviving spouse or reciprocal beneficiary ~~[is]~~ shall be the beneficiary; and
- (3) The custodial trust ~~[is]~~ shall be deemed to have been created by the decedent spouse or reciprocal beneficiary by written transfer that takes effect at the decedent spouse's or reciprocal beneficiary's death and that directs the custodial trustee to administer the custodial trust as one created for the benefit of an incapacitated beneficiary."

SECTION 21. Section 560:2-302, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as provided in subsection (b), if a testator fails to provide in the testator’s will for any of the testator’s children born or adopted after the execution of the will, the omitted after-born or after-adopted child ~~[receives]~~ shall receive a share in the estate as follows:

- (1) If the testator had no child living when the testator executed the will, an omitted after-born or after-adopted child ~~[receives]~~ shall receive a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised all or substantially all of the estate to ~~[the other]~~ another parent of the omitted child and that ~~[other]~~ parent survives the testator and is entitled to take under the will; and
- (2) If the testator had one or more children living when the testator executed the will, and the will devised property or an interest in property to one or more of the then-living children, an omitted after-born or after-adopted child ~~[is]~~ shall be entitled to share in the testator’s estate as follows:
 - (A) The portion of the testator’s estate in which the omitted after-born or after-adopted child is entitled to share ~~[is]~~ shall be limited to devises made to the testator’s then-living children under the will;
 - (B) The omitted after-born or after-adopted child ~~[is]~~ shall be entitled to receive the share of the testator’s estate, as limited in subparagraph (A), that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom devises were made under the will and had given an equal share of the estate to each child;
 - (C) To the extent feasible, the interest granted to an omitted after-born or after-adopted child under this section ~~[must]~~ shall be of the same character, whether equitable or legal, present or future, as that devised to the testator’s then-living children under the will; and
 - (D) In satisfying a share provided by this paragraph, devises to the testator’s children who were living when the will was executed shall abate ratably. In abating the devises of the then-living children, the court shall preserve to the maximum extent possible the character of the testamentary plan adopted by the testator.”

SECTION 22. Section 560:2-402, Hawaii Revised Statutes, is amended to read as follows:

“**§560:2-402 Homestead allowance.** A decedent’s surviving spouse or reciprocal beneficiary ~~[is]~~ shall be entitled to a homestead allowance of ~~[\$15,000-]~~ \$30,000. If there is no surviving spouse or reciprocal beneficiary, each minor child and each dependent child of the decedent ~~[is]~~ shall be entitled to a homestead allowance amounting to ~~[\$15,000]~~ \$30,000 divided by the number of minor and dependent children of the decedent. The homestead allowance ~~[is]~~ shall be exempt from and has priority over all claims against the estate. ~~[Homestead]~~ The homestead allowance ~~[is]~~ shall be in addition to any share passing to the surviving spouse or reciprocal beneficiary or minor or dependent child by the will of the decedent, unless otherwise provided, by intestate succession, or by way of elective share.”

SECTION 23. Section 560:2-403, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-403 Exempt property. In addition to the homestead allowance, the decedent’s surviving spouse or reciprocal beneficiary [is] shall be entitled from the estate to a value, not exceeding [~~\$10,000~~] \$20,000 in excess of any security interests therein, in household furniture, automobiles, furnishings, appliances, and personal effects. If there is no surviving spouse or reciprocal beneficiary, the decedent’s children [~~are~~] shall be entitled jointly to the same value. If encumbered chattels are selected and the value in excess of security interests, plus that of other exempt property, is less than [~~\$10,000~~] \$20,000 or if there is not [~~\$10,000~~] \$20,000 worth of exempt property in the estate, the spouse, reciprocal beneficiary, or children [~~are~~] shall be entitled to other assets of the estate, if any, to the extent necessary to make up the [~~\$10,000~~] \$20,000 value. Rights to exempt property and assets needed to make up a deficiency of exempt property shall have priority over all claims against the estate, but the right to any assets to make up a deficiency of exempt property [~~abates~~] shall abate as necessary to permit earlier payment of homestead allowance and family allowance. These rights [~~are~~] shall be in addition to any benefit or share passing to the surviving spouse, reciprocal beneficiary, or children by the decedent’s will, unless otherwise provided, by intestate succession, or by way of elective share.”

SECTION 24. Section 560:2-405, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If the estate is otherwise sufficient, property specifically devised [~~may~~] shall not be used to satisfy rights to homestead allowance or exempt property. Subject to this restriction, the surviving spouse or reciprocal beneficiary, guardians of minor children, or children who are adults may select property of the estate as homestead allowance and exempt property. The personal representative may make those selections if the surviving spouse or reciprocal beneficiary, [~~the children, or the~~] guardians of the minor children, or adult children are unable or fail to do so within a reasonable time or there is no guardian of a minor child. The personal representative may execute an instrument or deed of distribution to establish the ownership of property taken as homestead allowance or exempt property. The personal representative may determine the family allowance in a lump sum not exceeding [~~\$18,000~~] \$36,000 or periodic installments not exceeding [~~\$1,500~~] \$3,000 per month for one year, and may disburse funds of the estate in payment of the family allowance and any part of the homestead allowance payable in cash. The personal representative or an interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief, which may include a family allowance other than that which the personal representative determined or could have determined.”

SECTION 25. Section 560:2-514, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-514 Contracts concerning succession. A contract to make a will or devise, or not to revoke a will or devise, or to die intestate, if executed after January 1, 1997, may be established only by:

- (1) Provisions of a will stating material provisions of the contract;
- (2) An express reference in a will to a contract and extrinsic evidence proving the terms of the contract; or

- (3) A writing [~~signed by the decedent~~] evidencing the contract[~~;~~] and signed by the party alleged to have breached the contract.

The execution of a joint will or mutual wills [~~does~~] shall not create a presumption of a contract not to revoke the will or wills.”

SECTION 26. Section 560:2-603, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Substitute gift. If a devisee fails to survive the testator and is a grandparent, a descendant of a grandparent, or a stepchild of either the testator or the donor of a power of appointment exercised by the testator’s will, the following shall apply:

- (1) Except as provided in paragraph (4), if the devise is not in the form of a class gift and the deceased devisee leaves surviving descendants, a substitute gift [~~is~~] shall be deemed to be created in the devisee’s surviving descendants. [~~They~~] The devisee’s surviving descendants shall take by representation the property to which the devisee would have been entitled had the devisee survived the testator;
- (2) Except as provided in paragraph (4), if the devise is in the form of a class gift, other than a devise to “issue”, “descendants”, “heirs of the body”, “heirs”, “next of kin”, “relatives”, or “family”, or a class described by language of similar import, a substitute gift [~~is~~] shall be deemed to be created in the surviving descendants of any deceased devisee. The property to which the devisees would have been entitled had all of them survived the testator [~~passes~~] shall pass to the surviving devisees and the surviving descendants of the deceased devisees. Each surviving devisee [~~takes~~] shall take the share to which [~~he or she~~] the surviving devisee would have been entitled had the deceased devisees survived the testator. Each deceased devisee’s surviving descendants who are substituted for the deceased devisee shall take by representation the share to which the deceased devisee would have been entitled had the deceased devisee survived the testator. For the purposes of this paragraph, “deceased devisee” means a class member who failed to survive the testator and left one or more surviving descendants;
- (3) For the purposes of section 560:2-601, words of survivorship, such as in a devise to an individual “if he survives me”, or in a devise to “my surviving children”, [~~are~~] shall not, in the absence of additional evidence, be a sufficient indication of an intent contrary to the application of this section;
- (4) If the will creates an alternative devise with respect to a devise for which a substitute gift is created by paragraph (1) or (2), the substitute gift [~~is~~] shall be superseded by the alternative devise [~~only~~] if [~~an~~]:
 - (A) The alternative devise is in the form of a class gift and one or more members of the class is entitled to take under the will; or
 - (B) The alternate devise is not in the form of a class gift and the expressly designated devisee of the alternative devise is entitled to take under the will;
- (5) Unless the language creating a power of appointment expressly excludes the substitution of the descendants of an appointee for the appointee, a surviving descendant of a deceased appointee of a power of appointment [~~can~~] may be substituted for the appointee under this section, regardless of whether [~~or not~~] the descendant is an object of the power[~~;~~]; and

(6) In this subsection:

“Descendant of a grandparent” means an individual who qualifies as a descendent of a grandparent of the testator or of the donor of a power of appointment under the:

(A) Rules of construction applicable to a class gift; or

(B) Rules for intestate succession if the devise of exercise of the power is not in the form of a class gift.

“Surviving descendants of the deceased devisee” means the descendants of a deceased devisee or class member who would take under a class gift created in the testator’s will.”

SECTION 27. Section 560:2-606, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A specific devisee ~~has~~ shall have a right to the specifically devised property in the testator’s estate at death and:

- (1) Any balance of the purchase price, together with any security agreement, owing from a purchaser to the testator at death by reason of sale of the property;
- (2) Any amount of a condemnation award for the taking of the property unpaid at death;
- (3) Any proceeds unpaid at death on fire or casualty insurance on or other recovery for injury to the property; ~~and]~~
- (4) Property owned by the testator at death and acquired as a result of foreclosure, or obtained in lieu of foreclosure, of the security interest for a specifically devised obligation~~[-];~~
- (5) Any real property or tangible personal property owned by the testator at death that the testator acquired as a replacement for specifically devised real property or tangible personal property; and
- (6) If not covered by paragraphs (1) through (5), a pecuniary devise equal to the value as of its date of disposition of other specifically devised property disposed of during the testator’s lifetime but only to the extent it is established that ademption would be inconsistent with the testator’s manifested plan of distribution or that at the time the will was made, the date of disposition or otherwise, the testator did not intend ademption of the devise.”

SECTION 28. Section 560:2-608, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-608 Exercise of power of appointment. In the absence of a requirement that a power of appointment be exercised by a reference~~[- or by an express]~~ or specific reference, to the power, a general residuary clause in a will, or a will making general disposition of all of the testator’s property, ~~[expresses]~~ shall be deemed to express an intention to exercise a power of appointment held by the testator only if:

- (1) The power is a general power exercisable in favor of the powerholder’s estate, and the creating instrument does not contain ~~[a]~~ an effective gift if the power is not exercised; or
- (2) The testator’s will manifests an intention to include the property subject to the power.”

SECTION 29. Section 560:2-704, Hawaii Revised Statutes, is amended to read as follows:

“§560:2-704 Power of appointment; meaning of specific reference requirement. ~~[H]~~ A powerholder’s substantial compliance with a formal

requirement of appointment imposed in a governing instrument [creating a power of appointment expressly requires that the power be exercised] by [a] the donor, including a requirement that the instrument exercising the power of appointment make reference[~~-, an express reference,~~] or [a] specific reference[~~;~~] to the power [or its source, it is presumed that the donor's intention, in requiring that the donee exercise the power by making reference to the particular power or to the creating instrument, was to prevent an inadvertent exercise of the power.] shall be sufficient if:

- (1) The powerholder knows of and intends to exercise the power; and
- (2) The powerholder's manner of attempted exercise does not impair a material purpose of the donor in imposing the requirement."

SECTION 30. Section 560:2-706, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Substitute gift. If a beneficiary fails to survive the decedent and is a grandparent, [a] descendant of a grandparent, or [a] stepchild of the decedent, the following shall apply:

- (1) Except as provided in paragraph (4), if the beneficiary designation is not in the form of a class gift and the deceased beneficiary leaves surviving descendants, a substitute gift [is] shall be deemed to be created in the [beneficiary's] surviving descendants[.] of the deceased beneficiaries. [They] The surviving descendants of the deceased beneficiaries shall take by representation the property to which the beneficiary would have been entitled had the beneficiary survived the decedent;
- (2) Except as provided in paragraph (4), if the beneficiary designation is in the form of a class gift, other than a beneficiary designation to "issue", "descendants", "heirs of the body", "heirs", "next of kin", "relatives", or "family", or a class described by language of similar import, a substitute gift [is] shall be deemed to be created in the surviving descendants of any deceased beneficiary. The property to which the beneficiaries would have been entitled had all of them survived the decedent [~~passes~~] shall pass to the surviving beneficiaries and the surviving descendants of the deceased beneficiaries. Each surviving beneficiary [~~takes~~] shall take the share to which the surviving beneficiary would have been entitled had the deceased beneficiaries survived the decedent. Each deceased beneficiary's surviving descendants who are substituted for the deceased beneficiary shall take by representation the share to which the deceased beneficiary would have been entitled had the deceased beneficiary survived the decedent. For the purposes of this paragraph, "deceased beneficiary" means a class member who failed to survive the decedent and left one or more surviving descendants;
- (3) For the purposes of section 560:2-701, words of survivorship, such as in a beneficiary designation to an individual "if he survives me", or in a beneficiary designation to "my surviving children", [~~are~~] shall not, in the absence of additional evidence, be a sufficient indication of an intent contrary to the application of this section; [~~and~~]
- (4) If a governing instrument creates an alternative beneficiary designation with respect to a beneficiary designation for which a substitute gift is created by paragraph (1) or (2), the substitute gift [is] shall be superseded by the alternative beneficiary designation [only] if:
 - (A) The alternative beneficiary designation is in the form of a class gift and one or more members of the class is entitled to take; or

- (B) The alternative beneficiary designation is not in the form of a class gift and an expressly designated beneficiary of the alternative beneficiary designation is entitled to take[-]; and
- (5) As used in this subsection:
 - “Descendant of a grandparent” means an individual who qualifies as a descendant of a grandparent of the decedent under the:
 - (A) Rules of construction applicable to a class gift created in the decedent’s beneficiary designation if the beneficiary designation is in the form of a class gift; or
 - (B) Rules for intestate succession if the beneficiary designation is not in the form of a class gift.
 - “Surviving descendants of the deceased beneficiaries” means the descendants of deceased beneficiaries or class member who would take under a class gift created in the beneficiary designation.”

SECTION 31. Section 560:2-707, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Survivorship required; substitute gift. A future interest under the terms of a trust executed after January 1, 1997 [is], shall be contingent on the beneficiary’s surviving the distribution date. If a beneficiary of a future interest under the terms of a trust fails to survive the distribution date, the following shall apply:

- (1) Except as provided in paragraph (4), if the future interest is not in the form of a class gift and the deceased beneficiary leaves surviving descendants, a substitute gift [is] shall be deemed to be created in the [beneficiary’s] surviving descendants~~[-]~~ of the deceased beneficiaries. ~~[They]~~ The surviving descendants of the deceased beneficiaries shall take by representation the property to which the beneficiary would have been entitled had the beneficiary survived the distribution date;
- (2) Except as provided in paragraph (4), if the future interest is in the form of a class gift, other than a future interest to “issue”, “descendants”, “heirs of the body”, “heirs”, “next of kin”, “relatives”, or “family”, or a class described by language of similar import, a substitute gift [is] shall be deemed to be created in the surviving descendants of any deceased beneficiary. The property to which the beneficiaries would have been entitled had all of them survived the distribution date ~~[passes]~~ shall pass to the surviving beneficiaries and the surviving descendants of the deceased beneficiaries. Each surviving beneficiary ~~[takes]~~ shall take the share to which the surviving beneficiary would have been entitled had the deceased beneficiaries survived the distribution date. Each deceased beneficiary’s surviving descendants who are substituted for the deceased beneficiary shall take by representation the share to which the deceased beneficiary would have been entitled had the deceased beneficiary survived the distribution date. For the purposes of this paragraph, “deceased beneficiary” means a class member who failed to survive the distribution date and left one or more surviving descendants;
- (3) For the purposes of section 560:2-701, words of survivorship attached to a future interest ~~[are]~~ shall not, in the absence of additional evidence, be a sufficient indication of an intent contrary to the application of this section. Words of survivorship include words of survivorship that relate to the distribution date or to an earlier or an unspecified time, whether those words of

survivorship are expressed in condition-precedent, condition-subsequent, or any other form; and

- (4) If a governing instrument creates an alternative future interest with respect to a future interest for which a substitute gift is created by paragraph (1) or (2), the substitute gift ~~[is]~~ shall be superseded by the alternative future interest ~~[only]~~ if [an]:

(A) The alternative future interest is in the form of a class gift and one or more members of the class is entitled to take in possession or enjoyment; or

(B) The alternative future interest is not in the form of a class gift and the expressly designated beneficiary of the alternative future interest is entitled to take in possession or enjoyment.

As used in this subsection, “surviving descendants of the deceased beneficiaries” means the descendants of deceased beneficiaries or class members who would take under a class gift created in the trust.”

SECTION 32. Section 560:2-804, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Definitions. In this section:

“Disposition or appointment of property” includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

“Divorce or annulment” means any divorce or annulment, or any dissolution or declaration of invalidity of a marriage, that would exclude the spouse as a surviving spouse within the meaning of section 560:2-802. A decree of separation that does not terminate the ~~[status of husband and wife is]~~ marriage shall not be a divorce for purposes of this section.

“Divorced individual” includes an individual whose marriage has been annulled.

“Governing instrument” means a governing instrument executed by:

- (1) A divorced individual before the divorce or annulment of the individual’s marriage to the individual’s former spouse; or
- (2) An individual who is a former reciprocal beneficiary before the termination of the reciprocal beneficiary relationship with the individual’s former reciprocal beneficiary.

“Relative of the divorced individual’s former spouse” means an individual who is related to the divorced individual’s former spouse by ~~[blood,]~~ application of the rules establishing parent-child relationships under subpart _____ of part 1 or affinity and who, after the divorce or annulment, is not related to the divorced individual by ~~[blood, adoption,]~~ application of the rules establishing parent-child relationships under subpart _____ of part 1 or affinity.

“Revocable”, with respect to a disposition, appointment, provision, or nomination, means one under which:

- (1) The divorced individual, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the individual’s former spouse or former spouse’s relative, regardless of whether ~~[or not]~~ the divorced individual was then empowered to designate the individual’s self in place of the individual’s former spouse or in place of the individual’s former spouse’s relative and regardless of whether ~~[or not]~~ the divorced individual then had the capacity to exercise the power; or
- (2) An individual who is a former reciprocal beneficiary, at the time of the termination, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the

individual's former partner or former partner's relative, regardless of whether [or not] the individual was then empowered to designate the individual's self in place of the individual's former partner or in place of the individual's former partner's relative and regardless of whether [or not] the individual who is the former reciprocal beneficiary then had the capacity to exercise the power.

"Termination" means the dissolution of a reciprocal beneficiary relationship under chapter 572C between two adults."

SECTION 33. Section 560:3-108, Hawaii Revised Statutes, is amended to read as follows:

"§560:3-108 Probate, testacy and appointment proceedings; ultimate time limit. (a) No ~~[informal] probate [or appointment] proceeding [or formal testacy or]~~ to establish a will and related appointment proceeding, other than ~~[a] an ancillary proceeding [to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment, may], shall~~ be commenced more than five years after the decedent's death ~~[-, except:]; provided that:~~

- (1) If a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate ~~[-, appointment, or testacy] proceedings~~ may be maintained at any time thereafter upon a finding that the decedent's death occurred before the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding;
- (2) Appropriate probate ~~[-, appointment, or testacy] proceedings~~ may be maintained in relation to the estate of an absent, disappeared, or missing person for whose estate a conservator has been appointed, at any time within three years after the conservator becomes able to establish the death of the protected person;
- (3) A formal probate proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment if the contest is successful, may be commenced within:
 - (A) Ninety days after receiving notice of an informal proceeding pursuant to section 560:3-306;
 - (B) Twelve months from the date the will was informally admitted to probate; or
 - (C) Thirty days from the entry of a formal order approving the accounts and settlement of the estate by an informally appointed personal representative,

whichever time period expires first. If an informal proceeding is closed informally, the court in its discretion may allow a will contest to proceed after the limitations period has expired if it determines that notice of the informal probate proceedings was not provided pursuant to section 560:3-306 and not more than five years has elapsed since the decedent's death;

- ~~[(4) An informal appointment or a formal testacy or appointment proceeding may be commenced thereafter if no proceedings concerning the succession or estate administration have occurred within the five year period after decedent's death, but the personal representative has no right to possess estate assets as provided in section 560:3-709 beyond that necessary to confirm title thereto in the successors to the estate and claims other than expenses of administration may not be presented against the estate;] and~~
- ~~[(5) (4) A formal testacy proceeding may be commenced at any time after five years from the decedent's death if[-in];~~

- (A) In the discretion of the court, it would be equitable to do so[.] for the purpose of establishing an instrument to direct or control the ownership of property passing or distributable after the decedent's death from one other than the decedent when the property is to be appointed by the terms of the decedent's will [or is to pass or be distributed as a part of the decedent's estate or its transfer is otherwise to be controlled by the terms of the decedent's will].
- (B) The terms of the decedent's will provide for a distribution to the decedent's revocable living trust;
- (C) Newly discovered assets of the decedent require administration; or
- (D) All interested parties who are entitled by statute to notice of the petition join in the petition.

(b) A proceeding seeking an adjudication of intestacy and related appointment proceeding may be commenced at any time unless there has been a prior probate proceeding concerning the decedent's estate. If there has been a prior probate proceeding, a formal proceeding seeking an adjudication of intestacy may be commenced only under the conditions and circumstances set forth in section 560:3-412.

~~(b)~~ (c) These limitations ~~[dø]~~ shall not apply to proceedings to construe probated wills or determine heirs of an intestate.

~~(e)~~ (d) In cases under subsection (a)(1) or (2), the date on which a ~~[testacy or appointment]~~ probate proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of other limitations provisions of this chapter ~~[which]~~ that relate to the date of death."

SECTION 34. Section 560:3-203, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) A person entitled to letters under subsection (a)(2) to (5) may nominate a qualified person to act as personal representative~~[-]~~, who shall have the same priority as the person making the nomination. Any person aged eighteen and over may renounce the person's right to nominate or to an appointment by appropriate writing filed with the court. When two or more persons share a priority, those of them who do not renounce shall concur in nominating another to act for them, or in applying for appointment."

SECTION 35. Section 560:3-301, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Applications for informal probate or informal appointment shall be directed to the registrar, and verified by the applicant to be accurate and complete to the best of the applicant's knowledge and belief as to the following information:

- (1) Every application for informal probate of a will or for informal appointment of a personal representative, other than a special or successor representative, shall contain the following:
 - (A) A statement of the interest of the applicant, together with the name~~[-]~~; residence, business, or mailing address[-]; and telephone number of the applicant;
 - (B) The name~~[-]~~ and date of death of the decedent, the decedent's age, ~~[and]~~ the county and state of the decedent's domicile at the time of death, and the names and addresses of the spouse or reciprocal beneficiary, children, heirs, and devisees and the

- ages of any who are minors so far as known or ascertainable with reasonable diligence by the applicant;
- (C) If the decedent was not domiciled in the State at the time of the decedent's death, a statement showing venue;
 - (D) A statement identifying and indicating the address of any personal representative of the decedent appointed in this State or elsewhere whose appointment has not been terminated;
 - (E) A statement indicating whether the applicant has received a demand for notice, or is aware of any demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this State or elsewhere; and
 - (F) That the time limit for informal probate [~~or appointment~~] as provided in this article has not expired either because five years or less have passed since the decedent's death, or, if more than five years from death have passed, circumstances as described by section 560:3-108 authorizing tardy probate or appointment have occurred;
- (2) An application for informal probate of a will shall state the following in addition to the statements required by paragraph (1):
 - (A) That the original of the decedent's last will is in the possession of the court, or accompanies the application, or that an authenticated copy of [a] an original will probated, filed, deposited, or lodged in another jurisdiction accompanies the application;
 - (B) That the applicant, to the best of applicant's knowledge, believes the will to have been validly executed; and
 - (C) That after the exercise of reasonable diligence, the applicant is unaware of any instrument revoking the will, and that the applicant believes that the instrument [~~which~~] that is the subject of the application is the decedent's last will;
 - (3) An application for informal appointment of a personal representative to administer an estate under a will shall describe the will by date of execution and state the time and place of probate or the pending application or petition for probate. The application for appointment shall adopt the statements in the application or petition for probate and state the name, address, and priority for appointment of the person whose appointment is sought;
 - (4) An application for informal appointment of an administrator in intestacy shall state in addition to the statements required by paragraph (1):
 - (A) That after the exercise of reasonable diligence, the applicant is unaware of any unrevoked testamentary instrument relating to property having a situs in this State under section 560:1-301[~~]~~ or[~~]~~ a statement why any [~~such~~] instrument of which the applicant may be aware is not being probated; and
 - (B) The priority of the person whose appointment is sought and the names of any other persons having a prior or equal right to the appointment under section 560:3-203;
 - (5) An application for appointment of a personal representative to succeed a personal representative appointed under a different testacy status shall refer to the order in the most recent testacy proceeding, state the name and address of the person whose appointment is sought and of the person whose appointment will be

terminated if the application is granted, and describe the priority of the applicant; and

- (6) An application for appointment of a personal representative to succeed a personal representative who has tendered a resignation as provided in section 560:3-610(c), or whose appointment has been terminated by death or removal, shall adopt the statements in the application or petition ~~[which]~~ that led to the appointment of the person being succeeded except as specifically changed or corrected, state the name and address of the person who seeks appointment as successor, and describe the priority of the applicant.”

SECTION 36. Section 560:3-303, Hawaii Revised Statutes, is amended to read as follows:

“**§560:3-303 Informal probate; proof and findings required.** (a) In an informal proceeding for original probate of a will, the registrar shall determine whether:

- (1) The application is complete;
- (2) The applicant has made an oath or affirmation that the statements contained in the application are true to the best of the applicant’s knowledge and belief;
- (3) The applicant appears from the application to be an interested person as defined in section 560:1-201;
- (4) On the basis of the statements in the application, venue is proper;
- (5) An original, duly executed and apparently unrevoked will is in the registrar’s possession;
- (6) Any notice required by sections 560:3-204 and 560:3-306 has been given and that the application is not within section 560:3-304; and
- (7) It appears from the application that the time limit for original probate has not expired.

(b) The application shall be denied if it indicates that a personal representative has been appointed in another judicial circuit of this State or except as provided in subsection (d), if it appears that this or another will of the decedent has been the subject of a previous probate order.

(c) A will ~~[which]~~ that appears to have the required signatures and ~~[which]~~ contains an attestation clause showing that requirements of execution under section 560:2-502, 560:2-503, or 560:2-506 have been met shall be probated without further proof. In other cases, the registrar may assume execution if the will appears to have been properly executed, or the registrar may accept a sworn statement or affidavit of any person having knowledge of the circumstances of execution, regardless of whether ~~[or not]~~ the person was a witness to the will.

(d) Informal probate of a will ~~[which]~~ that has been previously probated elsewhere may be granted at any time upon written application by any interested person, together with deposit of an authenticated copy of the will and of the statement probating it from the office or court where it was first probated.

(e) A will from a place ~~[which]~~ that does not provide for probate of a will after death and ~~[which]~~ that is not eligible for probate under subsection (a) [;] may be probated in this State upon receipt by the registrar of a duly authenticated copy of the will and a duly authenticated certificate of its legal custodian that the copy filed is a true copy and that the will has become operative under the law of the other place.

(f) A will that has been filed, deposited, or lodged in another jurisdiction, but not probated, may be probated in this State upon receipt by the registrar of a duly authenticated copy of the will or a copy of the will and a

statement from its legal custodian that the copy filed is a full, true, and correct copy of the original.”

SECTION 37. Section 560:3-406, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-406 Formal testacy proceedings; contested cases; testimony of attesting witnesses. (a) ~~If evidence concerning execution of an attested will which is not self-proved is necessary in contested cases, the testimony of at least one of the attesting witnesses, if within the State, competent and able to testify, is required. Due execution of an attested or unattested will may be proved by other evidence.~~

(b) ~~If the will is self-proved, compliance with signature requirements for execution is conclusively presumed and other requirements of execution are presumed subject to rebuttal without the testimony of any witness upon filing the will and the acknowledgment and affidavits annexed or attached thereto, unless there is proof of fraud or forgery affecting the acknowledgment or affidavit.] In a contested case hearing in which the proper execution of a will is at issue, the following rules shall apply:~~

- (1) If the will is self-proved pursuant to section 560:2-504, the will shall be deemed to satisfy the requirements for execution without the testimony of any attesting witness, upon filing the will and the acknowledgement and affidavits annexed or attached to it, unless there is evidence of fraud or forgery affecting the acknowledgment or affidavit; and
- (2) If the will is witnessed pursuant to section 560:2-502(a)(3), but not self-proved, the testimony of at least one of the attesting witnesses shall be required to establish proper execution if within this State, competent, and able to testify. Proper execution may be established by other evidence, including an affidavit of an attesting witness. An attestation clause that is signed by the attesting witnesses shall raise a rebuttable presumption that the events received in the clause occurred.”

SECTION 38. Section 560:3-605, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-605 Demand for bond by interested person. Any person apparently having an interest in the estate worth in excess of [~~\$1000;~~] \$10,000, or any creditor having a claim in excess of [~~\$1000;~~] \$10,000, may make a written demand that a personal representative give bond. The demand shall be filed with the court and a copy mailed to the personal representative, if appointment and qualification have occurred. Thereupon, if ordered by the court, bond [~~is~~] shall be required, but the requirement [~~ceases~~] shall cease if the person demanding bond ceases to be interested in the estate, or if bond is excused as provided in section 560:3-603 or 560:3-604. After the personal representative has received notice and until the filing of the bond or cessation of the requirement of bond, the personal representative shall refrain from exercising any powers of the office except as necessary to preserve the estate. Failure of the personal representative to meet a requirement of bond by giving suitable bond within thirty days after receipt of notice [~~is~~] shall be cause [~~of~~] for the personal representative’s removal and appointment of a successor personal representative.”

SECTION 39. Section 560:3-703, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-703 General duties; relation and liability to persons interested in estate; standing to sue. (a) A personal representative is a fiduciary who shall observe the standards of care applicable to trustees as described by sections 554D-804, 554D-806, and 554D-808(c). A personal representative [is] shall be under a duty to settle and distribute the estate of the decedent in accordance with the terms of any probated and effective will and this chapter, and as expeditiously and efficiently as is consistent with the best interests of the estate. The personal representative shall use the authority conferred upon the personal representative by this chapter, the terms of the will, if any, and any order in proceedings to which the personal representative is party for the best interests of successors to the estate.

(b) A personal representative shall not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time. Subject to other obligations of administration, an informally probated will [is] shall be authority to administer and distribute the estate according to its terms. An order of appointment of a personal representative, whether issued in informal or formal proceedings, [is] shall be authority to distribute apparently intestate assets to the heirs of the decedent if, at the time of distribution, the personal representative is not aware of a pending testacy proceeding, a proceeding to vacate an order entered in an earlier testacy proceeding, a formal proceeding questioning the personal representative’s appointment or fitness to continue, or a supervised administration proceeding. ~~[Nothing in this]~~ This section [affects] shall not affect the duty of the personal representative to administer and distribute the estate in accordance with the rights of claimants~~[-]~~ whose claims have been allowed, the surviving spouse or reciprocal beneficiary, any minor and dependent children, and any pretermitted child of the decedent as described elsewhere in this chapter.

(c) Except as to proceedings ~~[which]~~ that do not survive the death of the decedent, a personal representative of a decedent domiciled in this State at the decedent’s death ~~[has]~~ shall have the same standing to sue and be sued in the courts of this State and the courts of any other jurisdiction as the decedent had immediately ~~[prior to]~~ before death.

(d) A personal representative shall not be surcharged for a distribution that does not take into consideration the possibility of posthumous pregnancy unless the personal representative, no later than six months after the decedent’s death, received notice or had actual knowledge of an intent to use genetic material in assisted reproduction.”

SECTION 40. Section 560:3-720, Hawaii Revised Statutes, is amended to read as follows:

“§560:3-720 Expenses in estate litigation. If any personal representative or person nominated as personal representative, or an heir or beneficiary if a personal representative or person nominated as a personal representative refuses to act, defends or prosecutes any proceeding regarding the validity of a will in good faith, whether successful or not, that person [is] shall be entitled to receive from the estate ~~[that person’s necessary]~~ reasonable costs, expenses, and disbursements, including reasonable attorneys’ fees ~~[incurred-]~~, regardless of whether counsel has been retained on a contingency fee basis.”

SECTION 41. Section 560:3-801, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Unless notice has already been given under this section, a person applying or petitioning for appointment of a personal representative or probate of a will or declaration of an intestacy may publish a notice to creditors once a

week for ~~three~~ two successive weeks in a newspaper of general circulation in the judicial circuit in which the application or petition is filed announcing the person's application or petition and the name and address of the person nominated as personal representative, if any, and notifying creditors of the estate to present their claims no later than four months after the date of the first publication of the notice or be forever barred. The notice may be combined with any published notice of the pendency of the probate proceedings."

SECTION 42. Section 560:3-803, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All claims against either a decedent or a decedent's estate ~~[which]~~ that arose before the death of the decedent, including claims of the State and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by another statute of limitations or non-claim statute, ~~[are]~~ shall be barred against the estate, ~~[the]~~ personal representative, ~~[the]~~ decedent's trustee, and ~~[the]~~ heirs and devisees of the decedent, unless presented within the earlier of the following:

- (1) No later than:
 - (A) Four months after the date of the first publication of notice to creditors if notice is given in compliance with section 560:3-801(a); or
 - (B) Sixty days after the ~~[mailing or other delivery]~~ service of written notice, as provided in section 560:3-801(b);
 whichever period in subparagraph (A) or (B) expires later; or
- (2) Within eighteen months after the decedent's death, if notice to creditors has not been published as provided in section 560:3-801(a) or ~~[delivered]~~ served as provided in section 560:3-801(b)."

SECTION 43. Section 560:3-806, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) As to claims presented in the manner described in section 560:3-804 within the time limit prescribed in section 560:3-803, the personal representative may ~~[mail]~~ serve a notice ~~[to]~~ upon any claimant stating that the claim has been disallowed. If, after allowing or disallowing a claim, the personal representative changes the decision concerning the claim, the personal representative shall notify the claimant. The personal representative ~~[may]~~ shall not change a disallowance of a claim after the time for the claimant to file a petition for allowance or to commence a proceeding on the claim has run and the claim has been barred. Every claim ~~[which]~~ that is disallowed in whole or in part by the personal representative ~~[is]~~ shall be barred so far as not allowed unless the claimant files a petition for allowance in the court or commences a proceeding against the personal representative ~~[not]~~ no later than sixty days after the ~~[mailing]~~ service of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. If the notice does not warn the claimant of the impending sixty-day bar, then the claim shall be barred if no petition for allowance or other proceeding on the claim has been brought within eighteen months of the date of the decedent's death. Failure of the personal representative to ~~[mail]~~ serve notice ~~[to]~~ upon a claimant of action on the claimant's claim for sixty days after the time for original presentation of the claim has expired ~~[has]~~ shall have the effect of a notice of allowance."

SECTION 44. Section 560:3-915, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If the heir or devisee is under disability other than minority, the personal representative [is] shall be authorized to distribute to:

- (1) An attorney in fact who has authority under a power of attorney to receive property for that person; or
- (2) The spouse or reciprocal beneficiary, parent, or other close relative with whom the person under disability resides if the distribution is of amounts not exceeding [~~\$10,000~~] \$30,000 a year, or property not exceeding [~~\$10,000~~] \$30,000 in value, unless the court authorizes a larger amount or greater value.

Persons receiving money or property for the disabled person [~~are~~] shall be obligated to apply the money or property to the support of that person, but [~~may~~] shall not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the support of the disabled person. Excess sums [~~must~~] shall be preserved for future support of the disabled person. The personal representative [is] shall not be responsible for the proper application of money or property distributed pursuant to this subsection.”

SECTION 45. Section 560:4-205, Hawaii Revised Statutes, is amended to read as follows:

“**§560:4-205 Powers.** A domiciliary foreign personal representative who has complied with section 560:4-204 may exercise as to assets in this State all powers of a local personal representative and may maintain actions and proceedings in this State subject to any [~~conditions~~]:

- (1) Limitations on the personal representative’s powers in the domiciliary proceeding; and
- (2) Conditions imposed upon nonresident parties generally.”

SECTION 46. Section 560:2-108, Hawaii Revised Statutes, is repealed.

SECTION 47. Section 560:3-916, Hawaii Revised Statutes, is repealed.

PART V

SECTION 48. In codifying the new sections added by sections 2 and 5 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 49. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 50. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 51. This Act shall take effect upon its approval; provided that section 5 of this Act shall take effect on July 1, 2023.

(Approved June 29, 2023.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Expungement.

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

SECTION 1. The legislature finds that court records for an arrest or case that has been expunged from a person's record may still be accessed by prospective employers, landlords, lenders, educational institutions, and others. Though expunged, these records can be regarded negatively and have a significant and long-lasting impact on a person's future. The legislature further finds that for a person who has received an expungement order, the current process to have their records and other information pertaining to the arrest or case sealed or removed from the judiciary's publicly accessible electronic database requires yet another petition.

The purpose of this Act is to require the court to automatically seal or remove from the judiciary's publicly accessible databases any information relevant to the arrest or case of a person for whom an expungement order has been entered and transmitted to the court.

The legislature notes that all law enforcement agencies, including the department of the attorney general, sheriff division, county prosecuting attorneys, and county police departments, will continue to have access to information regarding expunged cases, regardless of whether those agencies utilize publicly accessible or other types of electronic databases.

SECTION 2. Section 831-3.2, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) [~~Any person for whom an expungement order has been entered may request in writing that the~~] The court shall seal or otherwise remove from the judiciary's publicly accessible electronic databases all judiciary files and other information pertaining to the applicable arrest or case [from the judiciary's publicly accessible electronic databases.] of any person for whom an expungement order listing the court case number has been entered and transmitted to the court. The court shall make good faith diligent efforts to seal or otherwise remove the applicable files and information within a reasonable time.”

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, 2025.

(Approved June 29, 2023.)

A Bill for an Act Relating to Gender-Neutral Terminology.

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

SECTION 1. Section 321-342, Hawaii Revised Statutes, is amended by amending the definition of “family” to read as follows:

““Family” means:

- (1) Each legal parent;
- (2) [~~The~~] Each natural [mother:] parent;

- ~~[(3)]~~ ~~The natural father;~~
 [(4)] (3) The adjudicated, presumed, or concerned natural ~~[father]~~ parent as defined under section 578-2;
~~[(5)]~~ (4) Each parent's spouse or former spouses;
 [(6)] (5) Each sibling or person related by consanguinity or marriage;
 [(7)] (6) Each person residing in the same dwelling unit; and
 [(8)] (7) Any other person who, or legal entity that, is a child's legal or physical custodian or guardian, or who is otherwise responsible for the child's care, other than an authorized agency that assumes such a legal status or relationship with the child under chapter 587A."

SECTION 2. Section 571-61, Hawaii Revised Statutes, is amended to read as follows:

“§571-61 Termination of parental rights; petition. (a) Relinquishment. The parents or either parent or the surviving parent who desire to relinquish parental rights to any natural or adopted child and thus make the child available for adoption or readoption, may petition the family court of the circuit in which ~~[they or he or she]~~ the parents or parent resides, or of the circuit in which the child resides, or was born, for the entry of a judgment of termination of parental rights. The petition shall be verified and shall be substantially in ~~[such]~~ a form as may be prescribed by the judge or senior judge of the family court. The petition may be filed at any time following the ~~[mother's]~~ birthing parent's sixth month of pregnancy; provided that no judgment may be entered upon a petition concerning an unborn child until after the birth of the child and in respect to a legal parent or parents until the petitioner or petitioners have filed in the termination proceeding a written reaffirmation of their desires as expressed in the petition or in respect to a legal parent or parents until the petitioner or petitioners have been given ~~[not]~~ no less than ten days' notice of a proposal for the entry of judgment and an opportunity to be heard in connection with ~~[such]~~ the proposal.

(b) Involuntary termination.

- (1) The family courts may terminate the parental rights ~~[in]~~ with respect to any child as to any legal parent:
- (A) Who has deserted the child without affording means of identification for a period of at least ninety days;
 - (B) Who has voluntarily surrendered the care and custody of the child to another for a period of at least two years;
 - (C) Who, when the child is in the custody of another, has failed to communicate with the child when able to do so for a period of at least one year;
 - (D) Who, when the child is in the custody of another, has failed to provide for care and support of the child when able to do so for a period of at least one year;
 - (E) Whose child has been removed from the parent's physical custody pursuant to legally authorized judicial action under section 571-11(9), and who is found to be unable to provide now and in the foreseeable future the care necessary for the well-being of the child;
 - (F) Who is found by the court to be mentally ill or intellectually disabled and incapacitated from giving consent to the adoption of or from providing now and in the foreseeable future the care necessary for the well-being of the child; or
 - (G) Who is found not to be the child's natural or adoptive ~~[father.]~~ non-birthing parent.

- (2) The family courts may terminate the parental rights in respect to any minor of any natural but not legal ~~[father]~~ non-birthing parent who is an adjudicated, presumed or concerned ~~[father]~~ non-birthing parent under chapter 578, or who is named as the ~~[father]~~ non-birthing parent on the child's birth certificate:
 - (A) Who falls within paragraph (1)(A), (B), (C), (D), (E), or (F);
 - (B) Whose child is sought to be adopted by the child's ~~[stepfather]~~ birthing parent's spouse and the ~~[stepfather]~~ birthing parent's spouse has lived with the child and the child's legal ~~[mother]~~ birthing parent for a period of at least one year;
 - (C) Who is only a concerned ~~[father]~~ non-birthing parent who has failed to file a petition for the adoption of the child or whose petition for the adoption of the child has been denied; or
 - (D) Who is found to be an unfit or improper parent or to be financially or otherwise unable to give the child a proper home and education.
- (3) In respect to any proceedings under paragraphs (1) and (2), the authority to terminate parental rights may be exercised by the court only when a verified petition, substantially in the form above prescribed, has been filed by some responsible adult person on behalf of the child in the family court of the circuit in which the parent resides or the child resides or was born and the court has conducted a hearing of the petition. A copy of the petition, together with notice of the time and place of the hearing thereof, shall be personally served at least twenty days ~~[prior to]~~ before the hearing upon the parent whose rights are sought to be terminated. If personal service cannot be effected within the State, service of the notice may be made as provided in section 634-23 or 634-24.
- (4) The family courts may terminate the parental rights in respect to any child as to any natural ~~[father]~~ non-birthing parent who is not the child's legal, adjudicated, presumed or concerned ~~[father]~~ non-birthing parent under chapter 578.
- (5) The family courts may terminate the parental rights in respect to any child of any natural parent upon a finding by clear and convincing evidence that the natural parent committed sexual assault of the other natural parent, or an equivalent offense under the laws of another state, territory, possession, or Native American tribe where the offense occurred, and the child was conceived as a result of the sexual assault perpetrated by the parent whose rights are sought to be terminated; provided that:
 - (A) The court shall accept, as conclusive proof of the sexual assault, a guilty plea or conviction of the child's natural parent for the sexual assault, or an equivalent offense under the laws of another state, territory, possession, or Native American tribe where the offense occurred, of the other natural parent;
 - (B) Termination shall mean, when used with respect to parental rights in this paragraph, a complete and final termination of the parent's right to custody of, guardianship of, visitation with, access to, and inheritance from a child;
 - (C) The termination of parental rights shall not affect the obligation of the child's natural parent to support the child;
 - (D) The court may order the child's natural parent to pay child support;

- (E) It is presumed that termination of parental rights is in the best interest of the child if the child was conceived as a result of the sexual assault;
- (F) This paragraph shall not apply if subsequent to the date of the sexual assault, the child's natural parent and custodial natural parent cohabit and establish a mutual custodial environment for the child; and
- (G) The custodial natural parent may petition the court to reinstate the child's natural parent's parental rights terminated pursuant to this paragraph.

[Such] The authority provided under this section may be exercised under this chapter only when a verified petition, substantially in the form [above] prescribed[;] above, has been filed by some responsible adult person on behalf of the child in the family court of the circuit in which the parent resides or the child resides or was born, and the court has conducted a hearing of the petition.

If the [mother] birthing parent of the child files with the petition an affidavit representing that the identity or whereabouts of the child's [father] non-birthing parent is unknown to [her] or not ascertainable by [her] the birthing parent or that other good cause exists why notice cannot or should not be given to the [father;] non-birthing parent, the court shall conduct a hearing to determine whether notice is required.

If the court finds that good cause exists why notice cannot or should not be given to the child's [father;] non-birthing parent, and that the [father] non-birthing parent is neither the legal nor adjudicated nor presumed [father] non-birthing parent of the child, nor has [he] the non-birthing parent demonstrated a reasonable degree of interest, concern, or responsibility as to the existence or welfare of the child, the court may enter an order authorizing the termination of the [father's] non-birthing parent's parental rights and the subsequent adoption of the child without notice to the [father;] non-birthing parent."

SECTION 3. Section 578-1, Hawaii Revised Statutes, is amended to read as follows:

"§578-1 Who may adopt; jurisdiction; venue. Any [proper] unmarried adult person, [not married, or any] person married to the legal [father or mother] birthing parent or non-birthing parent of a minor child, or [a husband and wife] married couple jointly[;] may petition the family court of the circuit in which the person or persons reside or are in military service [~~or the family court of the circuit~~], in which the individual to be adopted resides or was born, or in which a child placing organization approved by the department of human services under the provisions of section 346-17 having legal custody (as defined in section 571-2) of the child is located[;] for leave to adopt an individual toward whom the person or persons do not sustain the legal relationship of parent and child and for a change of the name of the individual. When adoption is the goal of a permanent plan recommended by the department of human services and ordered pursuant to section 587A-31, the department may petition for adoption on behalf of the proposed adoptive parents. The petition shall be in [such] a form and shall include [such] information and exhibits as may be prescribed by the family court."

SECTION 4. Section 578-2, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Persons required to consent to adoption. Unless consent is not required or is dispensed with under subsection (c) [~~hereof~~], a petition to adopt a

child may be granted only if written consent to the proposed adoption has been executed by:

- (1) The ~~[mother]~~ birthing parent of the child;
- (2) A legal ~~[father]~~ non-birthing parent [as] to whom the child is a legitimate child;
- (3) An adjudicated ~~[father]~~ non-birthing parent whose relationship to the child has been determined by a court;
- (4) A presumed ~~[father]~~ non-birthing parent under ~~[section 578-2(d);]~~ subsection (d);
- (5) A concerned natural ~~[father]~~ non-birthing parent who is not the legal, adjudicated, or presumed ~~[father]~~ non-birthing parent but who has demonstrated a reasonable degree of interest, concern, or responsibility as to the welfare of a child, either:
 - (A) During the first thirty days after ~~[such]~~ the child's birth; ~~[or]~~
 - (B) ~~[Prior to]~~ Before the execution of a valid consent by the ~~[mother]~~ birthing parent of the child; or
 - (C) ~~[Prior to]~~ Before the placement of the child with adoptive parents;

whichever period of time is greater;
- (6) Any person or agency having legal custody of the child or legally empowered to consent;
- (7) The court having jurisdiction of the custody of the child, if the legal guardian or legal custodian of the person of the child is not empowered to consent to adoption; and
- (8) The child to be adopted if the child is more than ten years of age, unless the court, in the best interest of the child, dispenses with the child's consent."

2. By amending subsections (c) through (e) to read:

~~“(c) Persons as to whom consent not required or whose consent may be dispensed with by order of the court.~~

- (1) Persons as to whom consent is not required:
 - (A) A parent who has deserted a child without affording means of identification for a period of ninety days;
 - (B) A parent who has voluntarily surrendered the care and custody of the child to another for a period of two years;
 - (C) A parent of the child in the custody of another, if the parent for a period of at least one year has failed to communicate with the child when able to do so;
 - (D) A parent of a child in the custody of another, if the parent for a period of at least one year has failed to provide for the care and support of the child when able to do so;
 - (E) A natural ~~[father]~~ non-birthing parent who was not married to the child's ~~[mother]~~ birthing parent at the time of the child's conception or birth and who does not fall within the provisions of subsection (a)(3), (4), or (5);
 - (F) A parent whose parental rights have been judicially terminated under the provisions of sections 571-61 to 571-63, or under the provisions of any other state or other law by a court or other agency having jurisdiction to take the action;
 - (G) A parent who is judicially declared mentally ill or intellectually disabled and ~~[who is]~~ found by the court to be incapacitated from giving consent to the adoption of the child;
 - (H) Any legal guardian or legal custodian of the child sought to be adopted, other than a parent, who has failed to respond

- in writing to a request for consent for a period of sixty days or who, after examination of the person's written reasons for withholding consent, is found by the court to be withholding the person's consent unreasonably;
- (I) A parent of a child who has been in the custody of a petitioner under this chapter for a period of at least one year and who entered the United States of America as a consequence of extraordinary circumstances in the child's country of origin, by reason of which extraordinary circumstances the existence, identity, or whereabouts of the child's parents is not reasonably ascertainable or there is no reasonable means of obtaining suitable evidence of the child's identity or availability for adoption;
 - (J) Any parent of the individual to be adopted, if the individual is an adult eligible for adoption under subsection (b); and
 - (K) A parent whose parental and custodial duties and rights have been divested by an award of permanent custody pursuant to section 587A-33;
- (2) Persons whose consent may be dispensed with by order of the court. The court may dispense with the consent of a parent who comes within subsection (a)(3), (4), or (5) ~~herein~~, upon finding that:
- (A) The petitioner is the ~~stepfather of the child~~ child's birthing parent's spouse and the child has lived with the child's legal ~~mother~~ birthing parent and the petitioning ~~stepfather~~ birthing parent's spouse for a period of at least one year;
 - (B) The ~~father~~ non-birthing parent is a concerned ~~father~~ non-birthing parent as provided by subsection (a)(5) ~~herein~~ and has not filed a petition to adopt the child, or the petition to adopt the child filed by the ~~father~~ non-birthing parent has been denied; or
 - (C) The ~~father~~ non-birthing parent is an adjudicated, presumed, or concerned ~~father~~ non-birthing parent as provided by ~~subsections~~ subsection (a)(3), (4), or (5) ~~herein~~ and is not a fit and proper person or is not financially or otherwise able to give the child a proper home and education.
- (d) ~~Presumption of paternity~~ biological parentage. A ~~man~~ person is presumed to be the natural ~~father~~ non-birthing parent of a child if:
- (1) ~~He~~ The person and the child's ~~natural mother~~ birthing parent are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;
 - (2) Before the child's birth, ~~he~~ the person and the child's ~~natural mother~~ birthing parent have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and ~~if~~ if the attempted marriage:
 - (A) ~~If the attempted marriage could~~ Could be declared invalid only by a court, the child is born during the attempted marriage, or within three hundred days after its termination by death, annulment, declaration of invalidity, or divorce; or
 - (B) ~~If the attempted marriage is~~ Is invalid without a court order, the child is born within three hundred days after the termination of cohabitation;

- (3) After the child's birth, [~~he~~] the person and the child's [~~natural mother~~] birthing parent have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid; and
 - (A) [~~He~~] The person has acknowledged [~~his paternity~~] the person's biological parentage of the child in writing filed with the department of health;
 - (B) With [~~his~~] the person's consent [~~he~~], the person is named as the child's [~~father~~] non-birthing parent on the child's birth certificate; or
 - (C) [~~He~~] The person is obligated to support the child under a written voluntary promise or by court order;
- (4) While the child is under the age of majority, [~~he~~] the person receives the child into [~~his~~] the person's home and openly holds out the child as [~~his~~] the person's natural child; or
- (5) [~~He~~] The person acknowledges [~~his paternity~~] the person's biological parentage of the child in writing filed with the department of health, which shall promptly inform the [~~mother~~] birthing parent of the filing of the acknowledgment, and [~~she~~] the birthing parent does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the department of health. If another [~~man~~] person is presumed under this section to be the child's [~~father,~~] non-birthing parent, acknowledgment may be effected only with the written consent of the presumed [~~father~~] non-birthing parent or after the presumption has been rebutted. If the acknowledgment is filed and not disputed by the [~~mother~~] birthing parent and if another [~~man~~] person is not presumed under this section to be the child's [~~father,~~] non-birthing parent, the department of health shall prepare a new certificate of birth in accordance with chapter 338.

(e) Notice of hearing; minor parent; consent authorizing selection of adoptive parents. No hearing of a petition for adoption shall be had unless each of the living parents of the child who falls within the provisions of subsection (a) and who has not consented to the proposed adoption, but who is alleged to [~~come~~] fall within the provisions of [~~subsection~~] subsections (c)(1)(A), (B), (C) and (D) or (c)(2) [~~of this section~~], and any [~~man~~] person whose name appears as [~~father~~] non-birthing parent on the child's birth certificate, shall have had due notice, actual or constructive, of the allegations of the petition and of the time and place of the hearing thereof. [~~Such~~] The notice need not be given to any parent whose parental rights have been legally terminated as hereinabove provided or whose consent has been filed with the court.

The minority of a child's parent shall not be a bar to the right of [~~such~~] the parent to execute a valid and binding consent to the adoption of [~~such~~] the child.

Any parental consent required hereunder shall be valid and binding even though it does not designate any specific adoptive parent or parents, if it clearly authorizes the department of human services, or a child placing organization approved by the department under the provisions of section 346-17 or some proper person not forbidden by law to place a child for adoption, to select and approve an adoptive parent or parents for the child."

SECTION 5. Section 578-14.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) All affected public agencies and all child placing organizations approved by the department of human services under section 346-17 shall make reasonable efforts to complete this form with medical information on both natural parents, to obtain from the natural parents written consent to the release of this information to or for the benefit of the adopted child, and whenever possible, to obtain from the ~~[natural mother]~~ birthing parent a signed release to receive a copy of all of ~~[her]~~ the birthing parent’s medical records, relating to the birth of the adopted child, ~~[which]~~ that are within the possession of the hospital or other facility at which the child was born. When applicable, the family court may require the petitioner or the petitioner’s agent in the adoption proceeding to obtain this completed form from the natural parents with their consents and the signed release from the ~~[natural mother]~~ birthing parent.”

2. By amending subsection (g) to read:

“(g) The completed forms and, if applicable, the previously sealed copy of the ~~[natural mother’s]~~ birthing parent’s medical records shall be forwarded to the department of health. The department shall extract from the medical records pertinent information relating to inheritable diseases and genetic disorders and shall retain this information in an abstract. The completed forms and the abstract, if available, shall be included in the department’s adoption records.”

3. By amending subsection (i) to read:

“(i) Upon the filing of the application in subsection (h), the department of health shall furnish the applicant with a copy of the completed forms and, if available, the abstract of pertinent information from the ~~[natural mother’s]~~ birthing parent’s medical records. The department is authorized to disclose the information under this subsection without prior court approval, notwithstanding section 338-20(e).

Nothing in this section shall be construed or applied in any manner to require any public agency or child placing organization to reveal the identities of the natural parents without their consents.”

SECTION 6. Section 578-15, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) The records in adoption proceedings, after the petition is filed and ~~[prior to]~~ before the entry of the decree, shall be open to inspection only by the parties or their attorneys, the director of human services or the director’s agent, or ~~[by]~~ any proper person on a showing of good cause therefor, upon order of the court. Except in the case of an individual being adopted by a person married to the legal ~~[father or mother]~~ birthing parent or non-birthing parent of the individual or unless authorized by the court, no petition for adoption shall set forth the name of the individual sought to be adopted or the name of either of the parents of the individual; provided that the legal name of the individual and the name of each of the individual’s legal parents may be added to the petition by amendment during the course of the hearing thereof and shall be included in the decree. The hearing of the petition shall be in chambers and shall not be open to the public.

(b) Upon the entry of the decree, or upon the later effective date of the decree, or upon the dismissal or discontinuance or other final disposition of the petition, the clerk of the court shall seal all records in the proceedings; provided that upon the written request of the petitioner or petitioners, the court may waive the requirement that the records be sealed. The seal shall not be broken and the records shall not be inspected by any person, including the parties to the proceedings, except:

(1) Upon order of the family court upon a showing of good cause;

- (2) After the adopted individual attains the age of eighteen and upon submission to the family court of a written request for inspection by the adopted individual or ~~the~~ adoptive parents;
- (3) After the adopted individual attains the age of eighteen and upon submission to the family court of a written request for inspection by the natural parents;
- (4) Upon request by the adopted individual or ~~the~~ adoptive parents for information contained in the records concerning ethnic background and necessary medical information; or
- (5) Upon request by a natural parent for a copy of the original birth certificate.

As used in this subsection, “natural parent” means a biological ~~[mother or father,]~~ birthing parent or non-birthing parent, or a legal parent who is not also the biological parent.”

SECTION 7. Section 580-21, Hawaii Revised Statutes, is amended to read as follows:

“**§580-21 Grounds for annulment.** The family court, by a decree of nullity, may declare void the marriage contract for any of the following causes, existing at the time of the marriage:

- (1) That the parties stood in relation to each other of ancestor and descendant of any degree whatsoever, ~~[brother and sister]~~ siblings of the half as well as the whole blood, ~~[uncle and niece, aunt and nephew,]~~ a person and the child of the person’s biological sibling, whether the relationship is the result of the issue of parents married or not married to each other;
- (2) That the parties, or either of them, had not attained the legal age of marriage;
- (3) That ~~the husband]~~ one of the parties had an undivorced ~~[wife]~~ spouse living, ~~or the wife had an undivorced husband living~~;
- (4) That one of the parties lacked the mental capacity to consent to the marriage;
- (5) That consent to the marriage of the party applying for annulment was obtained by force, duress, or fraud, and there has been no subsequent cohabitation; and
- (6) That one of the parties was a sufferer of or afflicted with any loathsome disease and the fact was concealed from, and unknown to, the party applying for annulment.”

SECTION 8. Section 580-22, Hawaii Revised Statutes, is amended to read as follows:

“**§580-22 Nonage.** An action to annul a marriage on the ground that one of the parties was under legal age, may be brought by the parent or guardian entitled to the custody of the minor, or by any person admitted by the court to prosecute as the friend of the minor. In no case shall the marriage be annulled on the application of a party who was of legal age at the time it was contracted; nor when it appears that the parties, after they attained the legal age, had for any time freely cohabited as ~~[man and wife,]~~ a married couple.”

SECTION 9. Section 580-23, Hawaii Revised Statutes, is amended to read as follows:

“**§580-23 Former ~~[husband or wife]~~ spouse living.** A marriage may be declared null on the ground that one of the parties has an undivorced ~~[husband~~

~~or wife~~ spouse living, on the application of either of the parties during the lifetime of the other, or on the application of the former ~~[husband or wife.]~~ spouse.”

SECTION 10. Section 580-24, Hawaii Revised Statutes, is amended to read as follows:

“§580-24 Allowance for spouse and family. Every person who is deceived into contracting an illegal marriage with a ~~[man or woman]~~ person having another spouse living, under the belief that ~~[he or she]~~ the person was unmarried, may be entitled to a just allowance for the support of the deceived spouse and family out of the property of the deceiving spouse, which the deceived spouse may obtain at any time after action commenced upon application to the family court having jurisdiction. In addition to the allowance, the court may also compel the defendant to advance reasonable amounts for the compensation of witnesses and other reasonable expenses of trial to be incurred by the plaintiff.”

SECTION 11. Section 580-26, Hawaii Revised Statutes, is amended to read as follows:

“§580-26 Lack of mental capacity. The marriage of a person who lacked the mental capacity to consent to the marriage may be annulled on the application of either party, or on the application of a guardian of the party who lacked ~~[such]~~ capacity; ~~[but in such case,]~~ provided that no sentence of nullity shall be pronounced if it appears that the parties freely cohabited as ~~[husband and wife]~~ a married couple after the party who lacked ~~[such]~~ mental capacity attained the mental capacity necessary to consent to marriage.”

SECTION 12. Section 580-47, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Upon granting a divorce, or thereafter if, in addition to the powers granted in subsections (c) and (d), jurisdiction of those matters is reserved under the decree by agreement of both parties or by order of court after finding that good cause exists, the court may make any further orders ~~[as shall]~~ that appear just and equitable (1) compelling the parties or either of them to provide for the support, maintenance, and education of the children of the parties; (2) compelling either party to provide for the support and maintenance of the other party; (3) finally dividing and distributing the estate of the parties, real, personal, or mixed, whether community, joint, or separate; and (4) allocating, as between the parties, the responsibility for the payment of the debts of the parties whether community, joint, or separate, and the attorney’s fees, costs, and expenses incurred by each party by reason of the divorce. In making these further orders, the court shall take into consideration: the respective merits of the parties, the relative abilities of the parties, the condition in which each party will be left by the divorce, the burdens imposed upon either party for the benefit of the children of the parties, the concealment of or failure to disclose income or an asset, or violation of a restraining order issued under section 580-10(a) or (b), if any, by either party, and all other circumstances of the case. In establishing the amounts of child support, the court shall use the guidelines established under section 576D-7. Provision may be made for the support, maintenance, and education of an adult or minor child and for the support, maintenance, and education of an incompetent adult child regardless of whether ~~[or not]~~ the petition is made before or after the child has attained the age of majority. In those cases where child support payments are to continue due to the adult child’s pursuance of education, the agency, three months ~~[prior to]~~ before the adult child’s nineteenth birthday, shall send notice by regular mail to the adult child and the custodial parent that prospective child

support will be suspended unless proof is provided by the custodial parent or adult child to the child support enforcement agency, [~~prior to~~] before the child's nineteenth birthday, that the child is presently enrolled as a full-time student in school or has been accepted into and plans to attend as a full-time student for the next semester a post-high school university, college, or vocational school. If the custodial parent or adult child fails to do so, prospective child support payments may be automatically suspended by the child support enforcement agency, hearings officer, or court upon the child reaching the age of nineteen years. In addition, if applicable, the agency, hearings officer, or court may issue an order terminating existing assignments against the responsible parent's income and income assignment orders.

In addition to any other relevant factors considered, the court, in ordering spousal support and maintenance, shall consider the following factors:

- (1) Financial resources of the parties;
- (2) Ability of the party seeking support and maintenance to meet [~~his or her~~] the party's needs independently;
- (3) Duration of the marriage;
- (4) Standard of living established during the marriage;
- (5) Age of the parties;
- (6) Physical and emotional condition of the parties;
- (7) Usual occupation of the parties during the marriage;
- (8) Vocational skills and employability of the party seeking support and maintenance;
- (9) Needs of the parties;
- (10) Custodial and child support responsibilities;
- (11) Ability of the party from whom support and maintenance is sought to meet [~~his or her~~] the party's own needs while meeting the needs of the party seeking support and maintenance;
- (12) Other factors [~~which~~] that measure the financial condition in which the parties will be left as the result of the action under which the determination of maintenance is made; and
- (13) Probable duration of the need of the party seeking support and maintenance.

The court may order support and maintenance to a party for an indefinite period or until further order of the court; provided that in the event the court determines that support and maintenance shall be ordered for a specific duration wholly or partly based on competent evidence as to the amount of time [~~which~~] that will be required for the party seeking support and maintenance to secure adequate training, education, skills, or other qualifications necessary to qualify for appropriate employment, whether intended to qualify the party for a new occupation, update or expand existing qualification, or otherwise enable or enhance the employability of the party, the court shall order support and maintenance for a period sufficient to allow completion of the training, education, skills, or other activity, and shall allow, in addition, sufficient time for the party to secure appropriate employment."

SECTION 13. Section 580-56, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) Following the entry of a decree of divorce in any matrimonial action in which the final division of the property of the parties to [~~sueh~~] the action is reserved for further hearings, decisions, and orders, notwithstanding the provisions of section 560:2-802, or any other provisions of the law to the contrary, each party to [~~sueh~~] the action shall continue to have all of the rights to and interests in the property of the other party to [~~sueh~~] the action as provided by

[chapter] chapters 533 and [chapter] 560, or as otherwise provided by law, to the same extent ~~he or she~~ the party would have had ~~such~~ the rights or interests if the decree of divorce had not been entered, until the entry of a decree or order finally dividing the property of the parties to ~~such~~ the matrimonial action, or as provided in subsection (d) ~~of this section~~.

(c) When a party to a matrimonial action has remarried following the entry of a decree of divorce, in which the final division of the property of the parties is reserved for further hearings, decisions, and orders, but ~~prior to~~ before the entry of a decree or order finally dividing the property owned by the parties to that action, notwithstanding the provisions of [chapter] chapters 533 and [chapter] 560, the spouse of ~~such~~ the remarried party shall have none of the rights or interests in the former spouse's real property or personal estate as provided in [chapter] chapters 533 and [chapter] 560, or as otherwise provided by law, until ~~such~~ the time as a decree or order finally dividing the property owned by the parties or either of them as of the effective date of the entry of the decree of divorce dissolving ~~his or her~~ the party's prior marriage shall be entered. Upon the entry of a decree or order finally dividing the property of the parties to a matrimonial action in which a decree of divorce has been entered, the spouse of a party to ~~such~~ the action who has remarried shall have all of the rights of a spouse as provided by [chapter] chapters 533 and [chapter] 560, or as otherwise provided by law, in and to the property of the former spouse vested in ~~such~~ the spouse by ~~such~~ the decree or order finally dividing the property of the parties or either of them, as of the effective date of the entry of the decree of dissolution of the prior marriage.”

SECTION 14. Section 587A-4, Hawaii Revised Statutes, is amended by amending the definition of “family” to read as follows:

““Family” means each legal parent of a child; the ~~birth mother,~~ birthing parent, unless the child has been legally adopted; the concerned ~~birth father~~ non-birthing parent as provided in section 578-2(a)(5), unless the child has been legally adopted; each parent's spouse or former spouse; each sibling or person related by blood or marriage; each person residing in the dwelling unit; and any other person or legal entity with:

- (1) Legal or physical custody or guardianship of the child, or
- (2) Responsibility for the child's care.

For purposes of this chapter, the term “family” does not apply to an authorized agency that assumes the foregoing legal status or relationship with a child.”

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect on January 1, 2024.

(Approved June 29, 2023.)

ACT 161

S.B. NO. 110

A Bill for an Act Relating to Gender-Neutral Terminology.

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

SECTION 1. Chapter 578, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§578- Interpretation of words to be gender-neutral. With regard to the rights, benefits, protections, and responsibilities of persons set forth in this chapter, all gender-specific terminology, such as “wife”, “husband”, “mother”, “father”, or similar terms, shall be construed in a gender-neutral manner. This rule of interpretation shall apply to all administrative rules adopted hereunder.”

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

“§580- Interpretation of words to be gender-neutral. With regard to the rights, benefits, protections, and responsibilities of persons set forth under this chapter, all gender-specific terminology, such as “wife”, “husband”, “mother”, “father”, “aunt”, “uncle”, “niece”, “nephew”, or similar terms, shall be construed in a gender-neutral manner. This rule of interpretation shall apply to all administrative rules adopted hereunder.”

SECTION 3. Section 578-1, Hawaii Revised Statutes, is amended to read as follows:

“§578-1 Who may adopt; jurisdiction; venue. Any [~~proper~~] unmarried adult person, [~~not married, or~~] any person married to the legal [~~father or mother~~] parent of a minor child, or a [~~husband and wife~~] married couple jointly[;] may petition the family court of the circuit in which the person or persons reside or are in military service [~~or the family court of the circuit~~], in which the individual to be adopted resides or was born, or in which a child placing organization approved by the department of human services under the provisions of section 346-17 having legal custody (as defined in section 571-2) of the child is located[;] for leave to adopt an individual toward whom the person or persons do not sustain the legal relationship of parent and child and for a change of the name of the individual. When adoption is the goal of a permanent plan recommended by the department of human services and ordered pursuant to section 587A-31, the department may petition for adoption on behalf of the proposed adoptive parents. The petition shall be in [~~sueh~~] a form and shall include [~~sueh~~] information and exhibits as may be prescribed by the family court.”

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, 2024.

(Approved June 29, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 162

H.B. NO. 1097

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 (d) to read:

“(d) [~~Any~~] Hallucinogenic substances. Unless specifically excepted or un-less listed in another schedule, any material, compound, mixture, or preparation

that contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, [~~unless specifically exempted,~~] whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alpha-ethyltryptamine (AET);
- (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- (4) 3,4-methylenedioxy amphetamine;
- (5) 3,4-methylenedioxymethamphetamine (MDMA);
- (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-MDA);
- (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
- (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);
- (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- (11) 3,4,5-trimethoxy amphetamine;
- (12) Bufotenine;
- (13) 4-methoxyamphetamine (PMA);
- (14) Diethyltryptamine;
- (15) Dimethyltryptamine;
- (16) 4-methyl-2,5-dimethoxy-amphetamine;
- (17) Gamma hydroxybutyrate (GHB) (some other names include gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- (18) Ibogaine;
- (19) Lysergic acid diethylamide;
- (20) Marijuana;
- (21) Parahexyl;
- (22) Mescaline;
- (23) Peyote;
- (24) N-ethyl-3-piperidyl benzilate;
- (25) N-methyl-3-piperidyl benzilate;
- (26) Psilocybin;
- (27) Psilocyn;
- (28) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
- (29) Ethylamine analog of phencyclidine (PCE);
- (30) Pyrrolidine analog of phencyclidine (PCPy, PHP);
- (31) Thiophene analog of phencyclidine (TPCP; TCP);
- (32) Gamma-butyrolactone, including butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H) furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone with Chemical Abstract Service number 96-48-0 when any such substance is intended for human ingestion;
- (33) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4- butylenes glycol; butylene glycol; 1,4-dihydroxybutane; 1,4- tetramethylene glycol; tetramethylene glycol; tetramethylene 1,4- diol with Chemical Abstract Service number 110-63-4 when any such substance is intended for human ingestion;
- (34) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts, and salts of isomers;
- (35) N-benzylpiperazine (BZP; 1-benzylpiperazine), its optical isomers, salts, and salts of isomers;

- (36) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its optical isomers, salts, and salts of isomers;
- (37) Alpha-methyltryptamine (AMT)~~], its isomers, salts, and salts of isomers];~~
- (38) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT)~~], its isomers, salts, and salts of isomers];~~
- (39) *Salvia divinorum*;
- (40) Salvinorin A;
- (41) Divinorin A;
- (42) 5-Methoxy-N,N-Dimethyltryptamine (5-MeO-DIPT) (some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);
- (43) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (44) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- (45) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (46) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (47) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- (48) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- (49) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (50) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- (51) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- (52) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);
- (53) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82); ~~and~~
- (54) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36)~~];~~
- (55) N-ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: [alpha]-ethylaminohexanophenone; 2-(ethylamino)-1-phenylhexan-1-one);
- (56) Alpha-pyrrolidinohexanophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: [alpha]-PHP; [alpha]-pyrrolidinohexanophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
- (57) 4-methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);
- (58) 4'-methyl-alpha-pyrrolidinohexiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
- (59) Alpha-pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);
- (60) 4'-chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-chloro-[alpha]-PVP; 4'-chloro-[alpha]-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); and

(61) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine, MXE).”

2. By amending subsection (g) to read:

“(g) ~~[Any]~~ Cannabinoids. Unless specifically excepted or unless listed in another schedule, any of the following cannabinoids, including 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-(5fluoropentyl)-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~~], 5-fluoro-ADB, and 5F-MDMB-PINACA), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (27) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: SGT-78; 4-CN-CUMYL BINACA; 4-CN-CUMYL-BUTINACA; CUMYL-CB-PINACA; CUMYL-CYBINACA; 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)[-];
- (32) Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: 5F-EDMB-PINACA);
- (33) Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-MDMB-PICA; 5F-MDMB-2201);
- (34) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL));
- (35) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (Other names: 5F-CUMYL-PINACA; SGT-25); and
- (36) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other name: FUB-144).”

SECTION 2. Section 329-20, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) ~~Depressants. [Any]~~ Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~[which]~~ that 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) Barbitol;
- (3) Brexanolone;
- (4) Bromazepam;
- (5) Butorphanol;
- (6) Camazepam;
- (7) Carisoprodol;
- (8) Chloral betaine;
- (9) Chloral hydrate;
- (10) Chlordiazepoxide;
- (11) Clobazam;
- (12) Clonazepam;
- (13) Clorazepate;
- (14) Clotiazepam;
- (15) Cloxazolam;
- (16) Daridorexant;
- ~~[(16)]~~ (17) Delorazepam;
- ~~[(17)]~~ (18) Diazepam;
- ~~[(18)]~~ (19) Dichloralphenazone (Midrin);
- ~~[(19)]~~ (20) Estazolam;
- ~~[(20)]~~ (21) Ethchlorvynol;
- ~~[(21)]~~ (22) Ethinamate;
- ~~[(22)]~~ (23) Ethyl loflazepate;
- ~~[(23)]~~ (24) Fludiazepam;
- ~~[(24)]~~ (25) Flunitrazepam;
- ~~[(25)]~~ (26) Flurazepam;
- ~~[(26)]~~ (27) Fospropofol (Lusedra);
- ~~[(27)]~~ (28) Halazepam;
- ~~[(28)]~~ (29) Haloxazolam;
- ~~[(29)]~~ (30) Ketazolam;
- ~~[(30)]~~ (31) Lemborexant ((1R,2S)-2-[(2,4-dimethylpyrimidin-5-yl)oxymethyl]-2-(3-fluorophenyl)-N-(5-fluoropyridin-2-yl)cyclopropane-1-carboxamide);
- ~~[(31)]~~ (32) Loprazolam;
- ~~[(32)]~~ (33) Lorazepam;
- ~~[(33)]~~ (34) Lormetazepam;
- ~~[(34)]~~ (35) Mebutamate;
- ~~[(35)]~~ (36) Medazepam;
- ~~[(36)]~~ (37) Meprobamate;
- ~~[(37)]~~ (38) Methohexital;
- ~~[(38)]~~ (39) Methylphenobarbital (mephorbarbital);
- ~~[(39)]~~ (40) Midazolam;
- ~~[(40)]~~ (41) Nimetazepam;
- ~~[(41)]~~ (42) Nitrazepam;
- ~~[(42)]~~ (43) Nordiazepam;

- ~~[(43)]~~ (44) Oxazepam;
~~[(44)]~~ (45) Oxazolam;
~~[(45)]~~ (46) Paraldehyde;
~~[(46)]~~ (47) Petrichloral;
~~[(47)]~~ (48) Phenobarbital;
~~[(48)]~~ (49) Pinazepam;
~~[(49)]~~ (50) Prazepam;
~~[(50)]~~ (51) Quazepam;
~~[(51)]~~ (52) Remimazolam;
~~[(52)]~~ (53) Suvorexant;
~~[(53)]~~ (54) Temazepam;
~~[(54)]~~ (55) Tetrazepam;
~~[(55)]~~ (56) Triazolam;
~~[(56)]~~ (57) Zaleplon;
~~[(57)]~~ (58) Zolpidem; and
~~[(58)]~~ (59) Zopiclone (Lunesta).”

SECTION 3. 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;
- (2) Ganaxolone (3[alpha]-hydroxy-3[beta]-methyl-5[alpha]-pregnan-20-one);
~~[(2)]~~ (3) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxypropionamide], (Vimpat);
- ~~[(3)]~~ (4) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide); and
- ~~[(4)]~~ (5) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].”

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 29, 2023.)

ACT 163

H.B. NO. 954

A Bill for an Act Relating to Taxation.

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

SECTION 1. Section 235-55.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Dollar limit on amount creditable. The amount of the employment-related expenses incurred during any taxable year which may be taken into account under subsection (a) shall not exceed:

- (1) ~~[\$2,400]~~ \$10,000 if there is one qualifying individual with respect to the taxpayer for such taxable year, or

ACT 163

- (2) [~~\$4,800~~]¹ \$20,000 if there are two or more qualifying individuals with respect to the taxpayer for such taxable year.

The amount determined under paragraph (1) or (2) (whichever is applicable) shall be reduced by the aggregate amount excludable from gross income under section 129 (with respect to dependent care assistance programs) of the Internal Revenue Code for the taxable year.”

SECTION 2. Section 235-55.75, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each qualifying individual taxpayer may claim a refundable earned income tax credit. The tax credit, for the appropriate taxable year, shall be [~~twenty~~] forty 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.”

SECTION 3. Section 235-55.85, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each individual taxpayer may claim a refundable food/excise tax credit multiplied by the number of qualified exemptions to which the taxpayer is entitled in accordance with the table below; provided that [~~a husband and wife~~] spouses filing separate tax returns for a taxable year for which a joint return could have been filed by them shall claim only the tax credit to which they would have been entitled had a joint return been filed.

<u>Adjusted gross income for taxpayers filing a single return</u>	<u>Credit per exemption</u>
Under \$5,000	\$110
\$5,000 under \$10,000	\$100
\$10,000 under \$15,000	\$ 85
\$15,000 under \$20,000	\$ 70
\$20,000 under \$30,000	\$ 55
\$30,000 and over	\$ 0.

<u>Adjusted gross income for heads of household, married individuals filing separate returns, and married couples filing joint returns</u>	<u>Credit per exemption</u>
Under \$5,000	\$110
\$5,000 under \$10,000	\$100
\$10,000 under \$15,000	\$ 85
\$15,000 under \$20,000	\$ 70
\$20,000 under \$30,000	\$ 55
\$30,000 under \$40,000	\$ 45
\$40,000 under \$50,000	\$ 35
\$50,000 and over	\$ 0.]

<u>Adjusted gross income for taxpayers filing a single return</u>	<u>Credit per exemption</u>
Under \$15,000	\$220
\$15,000 under \$20,000	\$200

<u>\$20,000 under \$25,000</u>	<u>\$170</u>
<u>\$25,000 under \$30,000</u>	<u>\$140</u>
<u>\$30,000 under \$40,000</u>	<u>\$110</u>
<u>\$40,000 and over</u>	<u>\$ 0.</u>
<u>Adjusted gross income</u>	<u>Credit per exemption</u>
<u>for heads of household,</u>	
<u>surviving spouses,</u>	
<u>spouses filing</u>	
<u>separate returns, and</u>	
<u>married couples filing</u>	
<u>joint returns</u>	
<u>Under \$15,000</u>	<u>\$220</u>
<u>\$15,000 under \$20,000</u>	<u>\$200</u>
<u>\$20,000 under \$25,000</u>	<u>\$170</u>
<u>\$25,000 under \$30,000</u>	<u>\$140</u>
<u>\$30,000 under \$40,000</u>	<u>\$110</u>
<u>\$40,000 under \$50,000</u>	<u>\$ 90</u>
<u>\$50,000 under \$60,000</u>	<u>\$ 70</u>
<u>\$60,000 and over</u>	<u>\$ 0.”</u>

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

SECTION 5. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2022; provided that on December 31, 2027, this Act shall be repealed and sections 235-55.6(c), 235-55.75(a), and 235-55.85(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.

(Approved June 30, 2023.)

Note

1. "\$" should be stricken.

ACT 164

H.B. NO. 300

A Bill for an Act Relating to the State Budget.

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

PART I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the General Appropriations Act of 2023.

SECTION 2. DEFINITIONS. Unless otherwise clear from the context, as used in this Act:

“Capital project number” means the official number of the capital project, as assigned by the responsible organization.

“Expending agency” means the executive department, independent commission, bureau, office, board, or other establishment of the state government (other than the legislature, Office of Hawaiian Affairs, and judiciary), the political subdivisions of the State, or any quasi-public institution supported in whole

or in part by state funds, which is authorized to expend specified appropriations made by this Act.

Abbreviations, where used to denote the expending agency, shall mean the following:

- AGR Department of agriculture
- AGS Department of accounting and general services
- ATG Department of the attorney general
- BED Department of business, economic development and tourism
- BUF Department of budget and finance
- CCA Department of commerce and consumer affairs
- DEF Department of defense
- EDN Department of education
- GOV Office of the governor
- HHL Department of Hawaiian home lands
- HMS Department of human services
- HRD Department of human resources development
- HTH Department of health
- LAW Department of law enforcement
- LBR Department of labor and industrial relations
- LNR Department of land and natural resources
- LTG Office of the lieutenant governor
- PSD Department of public safety/corrections and rehabilitation
- SUB Subsidies
- TAX Department of taxation
- TRN Department of transportation
- UOH University of Hawaii
- CCH City and county of Honolulu
- COH County of Hawaii
- COK County of Kauai
- COM County of Maui

“Means of financing” or “MOF” means the source from which funds are appropriated or authorized to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

- A general funds
- B special funds
- C general obligation bond fund
- D general obligation bond fund with debt service cost to be paid from special funds
- E revenue bond funds
- N federal funds
- P other federal funds
- R private contributions
- S county funds
- T trust funds
- U interdepartmental transfers
- W revolving funds
- X other funds

“Position ceiling” means the maximum number of permanent and temporary full-time equivalent positions that an expending agency is authorized for a particular program during a specified period or periods, as denoted by a single asterisk for permanent full-time equivalent positions and a pound sign for temporary full-time equivalent positions.

“Program ID” means the unique identifier for the specific program and consists of the abbreviation for the organization responsible for carrying out the program, followed by the organization number for the program.

PART II. PROGRAM APPROPRIATIONS

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, 2023, and ending June 30, 2025. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the number indicated for each fiscal year, except as provided elsewhere in this Act, or as provided by general law.

PROGRAM APPROPRIATIONS				APPROPRIATIONS	
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL M	FISCAL M
				YEAR O	YEAR O
				2023-2024 F	2024-2025 F
A. ECONOMIC DEVELOPMENT					
1.	BED100 - STRATEGIC MARKETING AND SUPPORT			10.00 *	10.00 *
				1.00 #	1.00 #
	OPERATING		BED	9,076,255 A	2,571,940 A
			BED	1,822,845 W	1,823,451 W
			BED	700,000 P	700,000 P
2.	BED101 - OFFICE OF INTERNATIONAL AFFAIRS				
	OPERATING		BED	500,000 A	A
3.	BED105 - CREATIVE INDUSTRIES DIVISION				
				14.00 *	14.00 *
				1.00 #	1.00 #
	OPERATING		BED	1,736,865 A	1,774,007 A
			BED	780,000 B	780,000 B
4.	BED107 - FOREIGN TRADE ZONE				
	OPERATING		BED	16.00 *	16.00 *
	INVESTMENT CAPITAL		BED	2,612,545 B	2,671,090 B
			BED	2,500,000 C	C
5.	BED142 - GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT				
				26.00 *	26.00 *
				4.00 #	4.00 #
	OPERATING		BED	2,994,083 A	3,082,898 A
6.	BED113 - TOURISM				
	OPERATING		BED	64,000,000 A	A
7.	AGR101 - FINANCIAL ASSISTANCE FOR AGRICULTURE				
				9.00 *	9.00 *
	OPERATING		AGR	838,883 A	864,438 A
			AGR	5,500,000 W	5,500,000 W
8.	AGR122 - PLANT PEST AND DISEASE CONTROL				
				68.00 *	68.00 *

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
		OPERATING	AGR	8,625,407 A 46.00 *	6,246,207 A 46.00 *
			AGR	8,711,874 B	8,915,791 B
			AGR	512,962 T	512,962 T
			AGR	212,095 U	212,095 U
			AGR	50,360 W 2.00 #	50,360 W 2.00 #
			AGR	528,412 P	528,412 P
9.		AGR131 - RABIES QUARANTINE		32.32 *	32.32 *
		OPERATING	AGR	4,536,462 B	4,739,711 B
		INVESTMENT CAPITAL	AGS	400,000 A	A
10.		AGR132 - ANIMAL DISEASE CONTROL		22.68 *	22.68 *
		OPERATING	AGR	2,277,433 A	2,336,355 A
			AGR	47,802 B 3.00 #	47,802 B 3.00 #
			AGR	438,438 P	438,438 P
11.		LNR172 - FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT		34.00 *	34.00 *
		OPERATING	LNR	28,735,463 A 23,735,463 A ¹	3,802,052 A
			LNR	2,455,475 B 1.00 *	2,455,475 B 1.00 *
		INVESTMENT CAPITAL	LNR	14,600,000 P 7,400,000 A	1,150,000 P A
12.		AGR151 - QUALITY AND PRICE ASSURANCE		20.00 *	20.00 *
		OPERATING	AGR	1,523,734 A 1.00 *	1,559,799 A 1.00 *
			AGR	244,848 B	244,848 B
			AGR	100,000 N	100,000 N
			AGR	300,000 T 6.50 #	300,000 T 6.50 #
			AGR	530,898 W	547,999 W
			AGR	138,624 P	138,624 P
13.		AGR171 - AGRICULTURAL DEVELOPMENT AND MARKETING		11.00 *	11.00 *
		OPERATING	AGR	1,020,779 A	1,059,294 A
			AGR	15,000 B 0.75 *	15,000 B 0.75 *
			AGR	2,051,568 N 1.25 *	2,051,568 N 1.25 *
			AGR	5,289,219 P	5,289,219 P
14.		AGR141 - AGRICULTURAL RESOURCE MANAGEMENT		19.00 *	19.00 *
		OPERATING	AGR	6,746,432 A 13.50 *	1,793,732 A 13.50 *
			AGR	2,821,971 B 7.50 *	2,836,320 B 7.50 *
		INVESTMENT CAPITAL	AGR	1,334,766 W	1,361,087 W
			AGR	10,000,000 A	A
			AGR	11,700,000 C	C
			AGR	3,000,000 N	N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
15.	AGR192	GENERAL ADMINISTRATION FOR AGRICULTURE			
	OPERATING		AGR	31.00* 8,974,146A 3,974,146A ¹ 1.00*	31.00* 3,900,497A 1.00*
			AGR	34,278T	71,016T
	INVESTMENT CAPITAL		AGS	1,000,000A	A
16.	BED170	AGRIBUSINESS DEVELOPMENT AND RESEARCH			
	OPERATING		BED	9.00* 106,160,761A 17,360,761A ¹ 6.00#	9.00* 2,380,359A 6.00#
	INVESTMENT CAPITAL		BED	3,793,407W	3,816,133W
			BED	A	4,000,000A
			BED	1,100,000C	C
17.	AGR153	AQUACULTURE DEVELOPMENT			
	OPERATING		AGR	7.00* 969,259A	7.00* 977,419A
			AGR	125,000B	125,000B
18.	BED120	HAWAII STATE ENERGY OFFICE			
	OPERATING		BED	1.00* 25.00# 2,501,930A 95,000B 2.00#	1.00* 25.00# 2,567,296A 95,000B 2.00#
			BED	667,124N	1,500,000N
			BED	7,146,250T	7,146,250T
19.	BED143	HAWAII TECHNOLOGY DEVELOPMENT CORPORATION			
	OPERATING		BED	7.00* 5.00# 60,624,444A 8,624,444A ¹ 1,604,258B 7,017,203W 10.00#	7.00* 5.00# 1,640,822A 1,604,258B 2,017,203W 10.00#
			BED	994,214P	994,214P
20.	BED146	NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY			
	OPERATING		BED	17.00# 7,853,284B	17.00# 7,924,147B
	INVESTMENT CAPITAL		BED	1,500,000C	C
			BED	1,900,000D	D
21.	BED138	HAWAII GREEN INFRASTRUCTURE AUTHORITY			
	OPERATING		BED	100,000,000A 50,000,000A ¹ 5.00#	A 5.00#
			BED	86,018,740B	86,045,573B
22.	LNR141	WATER AND LAND DEVELOPMENT			
	OPERATING		LNR	24.00* 3,306,742A 4.00*	24.00* 3,393,755A 4.00*
			LNR	850,713B	868,394B
			LNR	199,479T	199,479T
	INVESTMENT CAPITAL		LNR	2,000,000A	2,000,000A
			LNR	1,500,000C	C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
23.	BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY			10.00 *	10.00 *
				1.00 #	1.00 #
	OPERATING	BED	201,814,260 A	78,814,260 A ¹	1,214,987 A
				11.00 *	11.00 *
				1.00 #	1.00 #
	INVESTMENT CAPITAL	BED	2,494,334 B		2,550,914 B
		BED	A		1,000,000 A
		BED	4,500,000 C		C
		BED	4,500,000 S		S
24.	BED160 - HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION				
	OPERATING	BED	150,000,000 A		230,000,000 A
		BED	3,100,000 N		3,100,000 N
			23.00 *		23.00 *
			45.00 #		45.00 #
		BED	13,533,889 W		14,046,265 W
		BED	3,000,000 P		3,000,000 P
	INVESTMENT CAPITAL	BED	45,000,000 C		C
B. EMPLOYMENT					
1.	LBR111 - WORKFORCE DEVELOPMENT			9.10 *	9.10 *
	OPERATING	LBR	6,043,333 A		7,043,333 A
		LBR	5,364,646 B		5,364,646 B
			71.20 *		71.20 *
			34.00 #		34.00 #
		LBR	15,550,000 N		15,550,000 N
		LBR	2,891,173 U		2,891,173 U
			0.70 *		0.70 *
		LBR	600,000 P		600,000 P
2.	LBR171 - UNEMPLOYMENT INSURANCE PROGRAM			8.00 *	8.00 *
	OPERATING	LBR	42,098,246 A		1,098,246 A
		LBR	2,173,756 B		2,173,756 B
			192.50 *		192.50 *
		LBR	16,000,000 N		16,000,000 N
		LBR	391,500,000 T		341,400,000 T
3.	LBR903 - OFFICE OF COMMUNITY SERVICES			11.00 *	11.00 *
				5.00 #	5.00 #
	OPERATING	LBR	3,513,823 A		3,534,523 A
		LBR	5,000 B		5,000 B
			4.00 #		4.00 #
		LBR	6,517,000 N		6,517,000 N
	INVESTMENT CAPITAL	LBR	20,000,000 C		C
4.	HMS802 - VOCATIONAL REHABILITATION			40.07 *	40.07 *
	OPERATING	HMS	4,460,424 A		4,540,688 A
			73.93 *		73.93 *
		HMS	18,472,196 N		18,472,196 N
		HMS	2,000,000 W		2,000,000 W
	INVESTMENT CAPITAL	AGS	495,000 A		A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
5.	LBR143 - HAWAII OCCUPATIONAL SAFETY AND HEALTH PROGRAM			17.30 *	17.30 *
				0.50 #	0.50 #
	OPERATING		LBR	1,343,947 A	1,393,204 A
				19.00 *	19.00 *
			LBR	2,693,796 W	2,694,163 W
				19.70 *	19.70 *
			LBR	2,400,000 P	2,400,000 P
6.	LBR152 - WAGE STANDARDS PROGRAM			19.00 *	19.00 *
	OPERATING		LBR	1,327,228 A	1,371,203 A
7.	LBR153 - HAWAII CIVIL RIGHTS COMMISSION			22.50 *	22.50 *
	OPERATING		LBR	1,784,504 A	1,843,633 A
				0.50 *	0.50 *
				5.00 #	5.00 #
			LBR	350,000 P	350,000 P
8.	LBR183 - DISABILITY COMPENSATION PROGRAM			76.00 *	76.00 *
	OPERATING		LBR	5,657,561 A	5,859,337 A
				11.00 *	11.00 *
				5.00 #	5.00 #
			LBR	24,115,992 T	24,150,515 T
9.	LBR161 - HAWAII LABOR RELATIONS BOARD			3.00 *	3.00 *
				6.00 #	6.00 #
	OPERATING		LBR	1,023,702 A	1,043,087 A
10.	LBR812 - LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD			12.00 *	12.00 *
	OPERATING		LBR	1,192,173 A	1,209,410 A
11.	LBR902 - GENERAL ADMINISTRATION			16.83 *	16.83 *
				3.46 #	3.46 #
	OPERATING		LBR	3,153,766 A	2,290,073 A
			LBR	200,000 B	200,000 B
				32.17 *	32.17 *
				1.54 #	1.54 #
			LBR	3,286,941 P	3,286,941 P
C. TRANSPORTATION FACILITIES					
1.	TRN102 - DANIEL K. INOUE INTERNATIONAL AIRPORT			667.00 *	667.00 *
				15.00 #	15.00 #
	OPERATING		TRN	250,279,440 B	254,823,241 B
	INVESTMENT CAPITAL		TRN	175,250,000 E	41,260,000 E
			TRN	1,000 N	1,000 N
2.	TRN104 - GENERAL AVIATION			31.00 *	31.00 *
	OPERATING		TRN	9,601,863 B	9,796,712 B
	INVESTMENT CAPITAL		TRN	6,000,000 E	6,000,000 E
			TRN	1,000 N	1,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
3.	TRN111	- HILO INTERNATIONAL AIRPORT		85.00 *	85.00 *
				2.00 #	2.00 #
	OPERATING		TRN	22,591,416 B	22,954,638 B
	INVESTMENT CAPITAL		TRN	2,400,000 E	E
			TRN	1,000 N	N
4.	TRN114	- ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE		102.00 *	102.00 *
				3.00 #	3.00 #
	OPERATING		TRN	27,570,320 B	28,398,701 B
	INVESTMENT CAPITAL		TRN	4,804,000 E	E
			TRN	1,000 N	N
5.	TRN116	- WAIMEA-KOHALA AIRPORT		4.00 *	4.00 *
	OPERATING		TRN	1,152,276 B	1,191,010 B
	INVESTMENT CAPITAL		TRN	2,800,000 E	E
			TRN	1,000 N	N
6.	TRN118	- UPOLU AIRPORT			
	OPERATING		TRN	51,100 B	51,100 B
7.	TRN131	- KAHULUI AIRPORT		185.00 *	185.00 *
				4.00 #	4.00 #
	OPERATING		TRN	46,877,427 B	47,696,797 B
	INVESTMENT CAPITAL		TRN	40,270,000 E	E
			TRN	2,000 N	N
8.	TRN133	- HANA AIRPORT		3.00 *	3.00 *
	OPERATING		TRN	564,289 B	607,197 B
9.	TRN135	- KAPALUA AIRPORT		12.00 *	12.00 *
	OPERATING		TRN	2,908,872 B	2,989,918 B
10.	TRN141	- MOLOKAI AIRPORT		15.00 *	15.00 *
	OPERATING		TRN	3,738,819 B	3,821,786 B
11.	TRN143	- KALAUPAPA AIRPORT		2.00 *	2.00 *
	OPERATING		TRN	488,283 B	518,524 B
12.	TRN151	- LANAI AIRPORT		14.00 *	14.00 *
	OPERATING		TRN	4,154,567 B	4,259,923 B
13.	TRN161	- LIHUE AIRPORT		115.00 *	115.00 *
				3.00 #	3.00 #
	OPERATING		TRN	28,989,349 B	29,864,151 B
	INVESTMENT CAPITAL		TRN	4,687,000 B	B
			TRN	7,690,000 E	43,000,000 E
			TRN	N	1,000 N
			TRN	1,074,000 X	X

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
14.	TRN163 - PORT ALLEN AIRPORT				
	OPERATING		TRN	1,841 B	1,841 B
15.	TRN195 - AIRPORTS ADMINISTRATION				
	OPERATING		TRN	134.00 *	134.00 *
	INVESTMENT CAPITAL		TRN	392,811,575 B	419,952,287 B
			TRN	4,428,000 B	4,428,000 B
			TRN	534,446,000 E	103,000,000 E
			TRN	3,000 N	3,000 N
			TRN	64,157,000 X	157,000 X
16.	TRN301 - HONOLULU HARBOR				
	OPERATING		TRN	120.00 *	101.00 *
	INVESTMENT CAPITAL		TRN	26,690,658 B	27,322,190 B
			TRN	4,000 B	4,000 B
			TRN	49,988,000 E	34,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
17.	TRN303 - KALAELOA BARBERS POINT HARBOR				
	OPERATING		TRN	6.00 *	6.00 *
	INVESTMENT CAPITAL		TRN	1,632,388 B	1,648,944 B
			TRN	B	4,000 B
			TRN	E	2,494,000 E
			TRN	N	4,000 N
			TRN	R	4,000 R
18.	TRN311 - HILO HARBOR				
	OPERATING		TRN	15.00 *	15.00 *
	INVESTMENT CAPITAL		TRN	3,072,902 B	3,152,502 B
			TRN	4,000 B	4,000 B
			TRN	14,988,000 E	4,988,000 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	860,589 B	866,740 B
			TRN	4,000 B	4,000 B
			TRN	14,988,000 E	4,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
20.	TRN331 - KAHULUI HARBOR				
	OPERATING		TRN	19.00 *	18.00 *
	INVESTMENT CAPITAL		TRN	3,773,026 B	3,873,727 B
			TRN	4,000 B	4,000 B
			TRN	9,988,000 E	24,988,000 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 *
				262,976 B	265,922 B
22.	TRN361 - NAWILIWILI HARBOR				
	OPERATING		TRN	15.00 *	15.00 *
	INVESTMENT CAPITAL		TRN	3,160,117 B	3,253,384 B
			TRN	B	4,000 B
			TRN	E	4,988,000 E

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			TRN	N	4,000 N
			TRN	R	4,000 R
23.	TRN363 -	PORT ALLEN HARBOR			
	OPERATING		TRN	1.00 * 204,024 B	1.00 * 207,091 B
24.	TRN351 -	KAUMALAPAU HARBOR			
	OPERATING		TRN	1.00 * 171,756 B	1.00 * 174,702 B
25.	TRN395 -	HARBORS ADMINISTRATION			
	OPERATING		TRN	72.00 * 90,690,792 B	72.00 * 93,092,026 B
	INVESTMENT CAPITAL		TRN	2,504,000 B	2,504,000 B
			TRN	9,992,000 E	4,988,000 E
			TRN	35,000,000 N	4,000 N
			TRN	4,000 R	4,000 R
26.	TRN333 -	HANA HARBOR			
	OPERATING		TRN	13,519 B	13,519 B
27.	TRN501 -	OAHU HIGHWAYS			
	OPERATING		TRN	190.00 * 91,594,359 B	190.00 * 93,045,019 B
28.	TRN511 -	HAWAII HIGHWAYS			
	OPERATING		TRN	118.50 * 21,187,067 B	118.50 * 21,730,306 B
	INVESTMENT CAPITAL		TRN	39,600,000 E	E
			TRN	1,000 N	N
29.	TRN531 -	MAUI HIGHWAYS			
	OPERATING		TRN	90.00 * 1.00 # 25,895,031 B	90.00 * 1.00 # 26,336,764 B
	INVESTMENT CAPITAL		TRN	1,216,000 E	E
			TRN	4,001,000 N	N
30.	TRN561 -	KAUAI HIGHWAYS			
	OPERATING		TRN	55.00 * 12,885,036 B	55.00 * 13,026,727 B
	INVESTMENT CAPITAL		TRN	3,200,000 E	E
			TRN	12,800,000 N	N
31.	TRN595 -	HIGHWAYS ADMINISTRATION			
	OPERATING		TRN	3,600,000 A 544.50 * 4.00 #	A 544.50 * 4.00 #
			TRN	200,645,923 B 1.00 #	196,403,474 B 1.00 #
	INVESTMENT CAPITAL		TRN	15,453,000 N	15,429,518 N
			TRN	8,700,000 B	6,500,000 B
			TRN	91,299,000 E	67,499,000 E
			TRN	295,600,000 N	185,600,000 N
32.	TRN597 -	HIGHWAYS SAFETY			
	OPERATING		TRN	32.20 * 12,051,792 B 6.00 *	32.20 * 12,094,729 B 6.00 *

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			TRN	6,449,865 N 0.80 *	6,473,347 N 0.80 *
			TRN	1,211,286 P	1,214,151 P
33.	TRN995 -	GENERAL ADMINISTRATION		110.00 * 2.00 #	110.00 * 2.00 #
	OPERATING		TRN	26,445,188 B 1.00 *	25,918,958 B 1.00 *
			TRN	10,884,696 N	12,784,696 N
			TRN	743,067 R	743,067 R
			TRN	8,400,000 P	6,500,000 P
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		75.00 * 1.00 #	75.00 * 1.00 #
	OPERATING		HTH	5,736,520 A 59.00 * 4.00 #	5,934,543 A 59.00 * 4.00 #
			HTH	80,626,501 B 34.10 *	80,828,503 B 34.10 *
			HTH	1.00 #	1.00 #
			HTH	6,749,271 N 2.00 *	17,461,882 N 2.00 *
			HTH	3,005,258 U 43.00 *	3,010,013 U 43.00 *
			HTH	260,368,088 W 7.25 * 4.00 #	260,494,144 W 7.25 * 4.00 #
	INVESTMENT CAPITAL		HTH	2,192,255 P	6,440,559 P
			HTH	7,102,000 C	11,723,000 C
			HTH	55,044,000 N	58,611,000 N
2.	AGR846 -	PESTICIDES		7.00 * 478,663 A 18.00 * 2.00 #	7.00 * 550,125 A 18.00 * 2.00 #
	OPERATING		AGR	3,328,531 W 2.00 *	3,144,401 W 2.00 *
			AGR	1.00 #	1.00 #
			AGR	464,629 P	464,629 P
3.	LNR401 -	ECOSYSTEM PROTECTION AND RESTORATION		64.00 * 0.50 #	64.00 * 0.50 #
	OPERATING		LNR	20,329,231 A 3.00 * 1.25 #	5,433,513 A 3.00 * 1.25 #
			LNR	1,854,490 B 1.00 *	1,864,662 B 1.00 *
			LNR	1.75 #	1.75 #
			LNR	4,796,021 N 2.00 *	5,199,550 N 2.00 *

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
				7.50#	7.50#
			LNR	25,665,452 P	2,871,955 P
		INVESTMENT CAPITAL	LNR	2,350,000 A	A
			LNR	2,500,000 C	C
4.		LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM			
				51.50*	51.50*
		OPERATING	LNR	17,382,568 A	17,556,140 A
				18.50*	18.50*
			LNR	4,047,467 N	2,586,907 N
			LNR	106,475 T	106,475 T
				7.00#	7.00#
			LNR	1,686,056 U	1,686,056 U
				2.50*	2.50*
				1.00#	1.00#
		INVESTMENT CAPITAL	LNR	4,680,000 P	1,600,000 P
			LNR	285,000 A	800,000 A
			LNR	5,050,000 C	C
			LNR	N	1,000 N
5.		LNR404 - WATER RESOURCES			
				28.00*	28.00*
		OPERATING	LNR	3,373,097 A	3,618,139 A
				5.00*	5.00*
		INVESTMENT CAPITAL	LNR	1,210,093 B	1,234,212 B
			LNR	2,000,000 A	3,000,000 A
6.		LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT			
				153.25*	178.25*
		OPERATING	LNR	16,660,215 A	16,686,864 A
			LNR	910,297 B	920,201 B
				3.75*	3.75*
			LNR	1,319,046 N	1,319,046 N
			LNR	32,671 W	32,671 W
		INVESTMENT CAPITAL	LNR	900,000 P	900,000 P
			LNR	1,000,000 C	C
7.		LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT			
				69.50*	69.50*
		OPERATING	LNR	4.00#	4.00#
			LNR	15,328,051 A	15,483,116 A
			LNR	180,000 B	180,000 B
			LNR	250,000 N	250,000 N
				0.50*	0.50*
		INVESTMENT CAPITAL	LNR	2,429,592 P	929,592 P
			LNR	5,700,000 A	5,350,000 A
8.		LNR906 - LNR - NATURAL AND PHYSICAL ENVIRONMENT			
				44.00*	44.00*
		OPERATING	LNR	1.00#	1.00#
			LNR	4,659,261 A	4,797,964 A
				19.00*	19.00*
				1.00#	1.00#
			LNR	2,928,906 B	3,015,836 B
9.		HTH849 - ENVIRONMENTAL HEALTH ADMINISTRATION			
				27.50*	27.50*
		OPERATING	HTH	1.25#	1.25#
			HTH	3,456,518 A	3,640,592 A
			HTH	34,097 B	34,097 B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
				1.55 *	1.55 *
				0.60 #	0.60 #
			HTH	144,015 N	144,015 N
				11.00 *	11.00 *
			HTH	2,776,056 W	2,826,328 W
				11.95 *	11.95 *
				2.15 #	2.15 #
			HTH	2,136,932 P	2,819,477 P
10.	LNR907 - AHA MOKU ADVISORY COMMITTEE				
	OPERATING		LNR	1.00 * 286,300 A	1.00 * 286,300 A
11.	LNR908 - KAHOO LAWE ISLAND RESERVE COMMISSION				
	OPERATING		LNR	2.00 * 14.00 # 1,803,789 A	2.00 * 14.00 # 1,840,658 A
12.	LNR909 - MAUNA KEA STEWARDSHIP & OVERSIGHT AUTHORITY				
	OPERATING		LNR	6.00 # 14,000,000 A	6.00 # 14,000,000 A
E. HEALTH					
1.	HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING				
	OPERATING		HTH	230.87 * 1.00 # 30,793,172 A	230.87 * 1.00 # 32,154,204 A
			HTH	13,343 B	13,343 B
				21.00 #	21.00 #
			HTH	8,723,375 N	8,723,375 N
				3.00 *	3.00 *
			HTH	637,849 U	637,849 U
				13.00 *	13.00 *
				19.50 #	19.50 #
	INVESTMENT CAPITAL		HTH	10,993,949 P	9,529,949 P
			AGS	100,000 C	440,000 C
2.	HTH131 - DISEASE OUTBREAK CONTROL				
	OPERATING		HTH	21.60 * 1,963,373 A	21.60 * 2,023,890 A
				22.40 *	22.40 *
				9.00 #	9.00 #
			HTH	3,700,447 N	19,543,687 N
				1.00 *	1.00 *
				24.50 #	24.50 #
			HTH	4,252,020 P	43,977,020 P
3.	HTH730 - EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM				
	OPERATING		HTH	10.00 * 1.40 # 53,788,778 A	10.00 * 1.40 # 49,822,316 A
				6.00 #	6.00 #
			HTH	22,302,061 B	22,323,419 B
				3.00 #	3.00 #
			HTH	420,000 P	420,000 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
4.	HTH560 - FAMILY HEALTH SERVICES				
				93.00 *	93.00 *
				0.50 #	0.50 #
	OPERATING		HTH	34,852,455 A	35,134,031 A
				14.50 *	14.50 *
				2.00 #	2.00 #
			HTH	18,257,916 B	18,324,188 B
				112.10 *	112.10 *
				11.30 #	11.30 #
			HTH	38,303,396 N	38,303,396 N
				13.90 *	13.90 *
				14.20 #	14.20 #
			HTH	11,768,880 P	11,768,880 P
5.	HTH590 - CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION				
				40.50 *	40.50 *
				3.00 #	3.00 #
	OPERATING		HTH	6,901,021 A	7,041,748 A
			HTH	48,706,356 B	48,706,356 B
				1.00 *	1.00 *
				1.00 #	1.00 #
			HTH	1,188,304 U	1,192,408 U
				9.50 *	9.50 *
				20.50 #	20.50 #
			HTH	6,776,898 P	6,776,898 P
6.	HTH595 - HEALTH RESOURCES ADMINISTRATION				
				2.00 *	2.00 *
	OPERATING		HTH	249,628 A	268,278 A
			HTH	31,713 B	50,171 B
7.	HTH596 - OFFICE OF MEDICAL CANNABIS CONTROL & REGULATION				
				17.00 *	21.00 *
				5.00 #	5.00 #
	OPERATING		HTH	2,821,277 A	3,197,621 A
				3.00 *	6.00 *
			HTH	954,204 B	1,214,816 B
8.	HTH210 - HAWAII HEALTH SYSTEMS CORPORATION – CORPORATE OFFICE				
				54.50 *	54.50 *
	OPERATING		HTH	17,509,280 B	17,509,280 B
9.	HTH211 - KAHUKU HOSPITAL				
	OPERATING		HTH	1,800,000 A	1,800,000 A
	INVESTMENT CAPITAL		HTH	1,000,000 A	5,000,000 A
10.	HTH212 - HAWAII HEALTH SYSTEMS CORPORATION – REGIONS				
	OPERATING		HTH	160,286,303 A	160,286,303 A
				2,340.75 *	2,340.75 *
			HTH	567,623,742 B	580,976,014 B
	INVESTMENT CAPITAL		HTH	64,300,000 A	15,500,000 A
			HTH	25,947,000 C	13,500,000 C
11.	HTH213 - ALII COMMUNITY CARE				
	OPERATING		HTH	3,500,000 B	3,500,000 B
12.	HTH214 - MAUI HEALTH SYSTEM, A KFH LLC				
	OPERATING		HTH	22,000,000 A	A
	INVESTMENT CAPITAL		HTH	6,000,000 A	6,000,000 A
			HTH	27,700,000 C	C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
13.	HTH215 - HHSC - OAHU REGION				
	OPERATING		HTH	20,189,000 A 440.00 *	23,372,000 A 440.00 *
	INVESTMENT CAPITAL		HTH	45,000,000 B	46,000,000 B
			HTH	3,000,000 A	3,000,000 A
			HTH	2,000,000 C	500,000 C
14.	HTH420 - ADULT MENTAL HEALTH - OUTPATIENT				
				232.00 *	232.00 *
				127.00 #	127.00 #
	OPERATING		HTH	67,655,576 A	69,310,866 A
			HTH	11,610,000 B	11,610,000 B
				1.00 #	1.00 #
			HTH	2,333,370 N	2,333,370 N
				1.00 #	1.00 #
			HTH	137,363 P	137,363 P
15.	HTH430 - ADULT MENTAL HEALTH - INPATIENT				
				843.00 *	843.00 *
				20.00 #	20.00 #
	OPERATING		HTH	97,979,834 A	103,247,511 A
	INVESTMENT CAPITAL		AGS	2,500,000 C	C
16.	HTH440 - ALCOHOL AND DRUG ABUSE DIVISION				
				29.00 *	29.00 *
	OPERATING		HTH	20,337,209 A	20,395,713 A
			HTH	750,000 B	750,000 B
			HTH	8,857,980 N	8,857,980 N
				8.00 #	8.00 #
			HTH	6,570,543 P	6,570,543 P
17.	HTH460 - CHILD AND ADOLESCENT MENTAL HEALTH				
				159.50 *	159.50 *
				8.00 #	8.00 #
	OPERATING		HTH	44,301,094 A	44,831,355 A
				29.00 *	29.00 *
			HTH	15,315,425 B	15,375,579 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
18.	HTH501 - DEVELOPMENTAL DISABILITIES				
				209.00 *	209.00 *
				1.00 #	1.00 #
	OPERATING		HTH	107,067,365 A	112,515,024 A
				5.00 *	5.00 *
			HTH	7,735,353 B	7,747,738 B
19.	HTH495 - BEHAVIORAL HEALTH ADMINISTRATION				
				0.50 *	0.50 *
	OPERATING		HTH	394,424 A	540,779 A
20.	HTH610 - ENVIRONMENTAL HEALTH SERVICES				
				125.00 *	125.00 *
	OPERATING		HTH	8,854,062 A	9,177,804 A
				27.00 *	27.00 *
			HTH	3,951,453 B	4,038,864 B
				2.00 *	2.00 *
			HTH	158,000 N	158,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
				3.00*	3.00*
			HTH	264,168 U	271,269 U
				2.00*	2.00*
			HTH	396,994 P	396,994 P
21.	HTH710 -	STATE LABORATORY SERVICES			
	OPERATING		HTH	74.00* 9,496,570 A	74.00* 9,739,431 A
				2.00#	2.00#
			HTH	201,000 B	201,000 B
				9.00#	9.00#
			HTH	1,029,222 N	1,029,222 N
				2.00#	2.00#
	INVESTMENT CAPITAL		HTH	429,999 P	429,999 P
			AGS	17,157,000 C	C
22.	HTH720 -	HEALTH CARE ASSURANCE			
	OPERATING		HTH	22.55* 2.00# 3,744,070 A	22.55* 2.00# 3,846,417 A
				2.85*	2.85*
			HTH	1,315,000 B	1,315,000 B
				21.60*	21.60*
			HTH	4,841,562 P	4,841,562 P
23.	HTH906 -	STATE HEALTH PLANNING AND DEVELOPMENT AGENCY			
	OPERATING		HTH	6.00* 566,120 A	6.00* 588,379 A
			HTH	114,000 B	114,000 B
24.	HTH760 -	HEALTH STATUS MONITORING			
	OPERATING		HTH	38.50* 3.00# 2,043,490 A	38.50* 3.00# 2,308,908 A
				2.00#	2.00#
			HTH	526,328 B	530,318 B
				5.00*	5.00*
			HTH	614,878 P	627,294 P
25.	HTH905 -	DEVELOPMENTAL DISABILITIES COUNCIL			
	OPERATING		HTH	2.50* 258,039 A	2.50* 262,940 A
				5.00*	5.00*
			HTH	527,570 N	527,570 N
26.	HTH907 -	GENERAL ADMINISTRATION			
	OPERATING		HTH	174.00* 13.00# 24,727,767 A	174.00* 13.00# 35,406,407 A
				8.00*	8.00*
				20.00#	20.00#
			HTH	5,275,000 N	5,275,000 N
				4.00#	4.00#
	INVESTMENT CAPITAL		HTH	737,888 P	737,888 P
			AGS	1,000,000 A	1,000,000 A
			AGS	C	100,000,000 C
27.	HTH908 -	OFFICE OF LANGUAGE ACCESS			
	OPERATING		HTH	6.00* 699,476 A	6.00* 714,494 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
F. SOCIAL SERVICES					
1.	HMS301 - CHILD PROTECTIVE SERVICES				
	OPERATING		HMS	303.75 * 54,581,360 A	303.75 * 53,341,675 A
			HMS	1.00 * 1,120,019 B	1.00 * 1,124,053 B
			HMS	84.75 * 43,660,620 N	84.75 * 43,664,654 N
			HMS	106,225 P	106,225 P
2.	HMS302 - GENERAL SUPPORT FOR CHILD CARE				
	OPERATING		HMS	38.35 * 3,216,445 A	38.35 * 2,816,618 A
			HMS	37.65 * 12,965,823 N	37.65 * 13,015,151 N
3.	HMS303 - CHILD PROTECTIVE SERVICES PAYMENTS				
	OPERATING		HMS	48,265,586 A	48,265,586 A
			HMS	29,350,000 N	29,350,000 N
4.	HMS305 - CASH SUPPORT FOR CHILD CARE				
	OPERATING		HMS	25,011,811 A	63,811,811 A
			HMS	69,565,754 N	69,565,754 N
5.	HMS501 - IN-COMMUNITY YOUTH PROGRAMS				
	OPERATING		HMS	14.50 * 1.00 # 9,442,539 A	14.50 * 1.00 # 9,525,146 A
			HMS	0.50 * 0.50 # 2,456,919 N	0.50 * 0.50 # 2,456,919 N
6.	HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)				
	OPERATING		HMS	93.00 * 10,239,621 A	93.00 * 10,318,209 A
	INVESTMENT CAPITAL		AGS	6,450,000 C	C
7.	DEF112 - SERVICES TO VETERANS				
	OPERATING		DEF	28.00 * 2,031,728 A	28.00 * 2,056,813 A
	INVESTMENT CAPITAL		AGS	65,000 A	A
			DEF	1,100,000 A	A
			DEF	250,000 C	C
			AGS	P	585,000 P
			DEF	P	6,000,000 P
8.	HMS601 - ADULT PROTECTIVE AND COMMUNITY SERVICES				
	OPERATING		HMS	69.48 * 5,968,473 A	69.48 * 6,300,163 A
			HMS	7.02 * 3.00 # 3,988,661 N	7.02 * 3.00 # 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

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
10.	HMS204 - GENERAL ASSISTANCE PAYMENTS				
	OPERATING		HMS	23,889,056 A	23,889,056 A
			HMS	3,000,000 B	3,000,000 B
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	26,715,965 A	26,715,965 A
			HMS	44,000,000 N	44,000,000 N
13.	HMS220 - RENTAL HOUSING SERVICES				
	OPERATING		HMS	4,561,054 A	4,633,652 A
				180.00 *	180.00 *
				4.50 #	4.50 #
			HMS	87,935,732 N	87,935,732 N
				15.00 *	15.00 *
	INVESTMENT CAPITAL		HMS	4,840,862 W	4,887,550 W
			HMS	5,400,000 A	5,800,000 A
			HMS	11,400,000 C	5,000,000 C
14.	HMS229 - HAWAII PUBLIC HOUSING AUTHORITY ADMINISTRATION				
				2.00 *	2.00 *
				3.00 #	3.00 #
	OPERATING		HMS	497,162 A	502,838 A
				68.00 *	68.00 *
				30.00 #	30.00 #
			HMS	38,373,557 N	38,373,557 N
				62.00 *	62.00 *
				17.00 #	17.00 #
			HMS	7,682,980 W	7,720,098 W
15.	HMS222 - RENTAL ASSISTANCE SERVICES				
	OPERATING		HMS	1.00 *	1.00 *
				7,551,082 A	1,056,815 A
				34.00 *	34.00 *
				1.00 #	1.00 #
			HMS	62,475,031 N	62,475,031 N
16.	HMS224 - HOMELESS SERVICES				
	OPERATING		HMS	11.00 *	11.00 *
				26,777,993 A	26,701,783 A
			HMS	740,000 N	740,000 N
17.	HMS605 - COMMUNITY-BASED RESIDENTIAL & MEDICAID FACILITY SUPPORT				
	OPERATING		HMS	17,810,955 A	17,810,955 A
18.	HMS401 - HEALTH CARE PAYMENTS				
	OPERATING		HMS	1,043,333,246 A	1,044,462,246 A
			HMS	1,376,660 B	1,376,660 B
			HMS	2,058,700,188 N	2,058,260,798 N
			HMS	6,781,921 U	6,781,921 U
			HMS	15,798,564 P	15,798,564 P
19.	HMS236 - CASE MANAGEMENT FOR SELF-SUFFICIENCY				
	OPERATING		HMS	289.63 *	289.63 *
				18,803,958 A	18,941,885 A
				228.37 *	228.37 *
			HMS	26,303,192 N	26,303,192 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			HMS	30,237 P	30,237 P
20.	HMS238 -	DISABILITY DETERMINATION			
	OPERATING		HMS	50.00 * 8,859,927 N	50.00 * 8,859,927 N
21.	ATG500 -	CHILD SUPPORT ENFORCEMENT SERVICES			
	OPERATING		ATG	69.70 * 0.34 # 7,209,246 A 2,231,224 T 135.30 * 0.66 # 20,353,165 P	69.70 * 0.34 # 5,429,876 A 2,231,224 T 135.30 * 0.66 # 16,906,088 P
22.	HMS237 -	EMPLOYMENT AND TRAINING			
	OPERATING		HMS	469,505 A 1,564,231 N	469,505 A 1,564,231 N
23.	HHL602 -	PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS			
	OPERATING		HHL	10,000,000 A 4,824,709 B 4.00 * 2.00 # 23,318,527 N 3,740,534 T 7,000,000 W 20,000,000 C	10,000,000 A 4,824,709 B 4.00 * 2.00 # 23,318,527 N 3,740,534 T 7,000,000 W 20,000,000 C
24.	HHL625 -	ADMINISTRATION AND OPERATING SUPPORT			
	OPERATING		HHL	200.00 * 16,428,191 A	200.00 * 16,796,100 A
25.	HTH904 -	EXECUTIVE OFFICE ON AGING			
	OPERATING		HTH	13.60 * 2.35 # 12,693,686 A 7.40 * 1.00 # 10,405,377 N 8.00 # 1,223,791 P	13.60 * 2.35 # 12,714,792 A 7.40 * 1.00 # 10,405,377 N 8.00 # 1,223,791 P
26.	HTH520 -	DISABILITY AND COMMUNICATIONS ACCESS BOARD			
	OPERATING		HTH	6.00 * 663,694 A 13.00 * 2,143,263 B 2.00 * 308,735 U	6.00 * 682,346 A 13.00 * 2,186,855 B 2.00 * 314,641 U
27.	HMS902 -	GENERAL SUPPORT FOR HEALTH CARE PAYMENTS			
	OPERATING		HMS	136.00 * 5.50 # 15,791,334 A 0.56 * 1,551,772 B 144.19 * 17.50 # 80,436,951 N 1,200,000 P	136.00 * 5.50 # 16,105,056 A 0.56 * 1,554,684 B 144.19 * 17.50 # 80,436,951 N 1,200,000 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
28.	HMS903	GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES			
	OPERATING		HMS	49.20* 39,242,937 A	49.20* 39,414,880 A
			HMS	44.80*	44.80*
			HMS	92,248,945 N	92,330,395 N
			HMS	3,000 P	3,000 P
29.	HMS904	GENERAL ADMINISTRATION - DHS			
	OPERATING		HMS	150.25* 5.00#	150.25* 5.00#
			HMS	14,198,897 A	14,378,492 A
			HMS	30.75*	30.75*
			HMS	4,734,481 N	4,734,481 N
			HMS	1,500 P	1,500 P
30.	HMS901	GENERAL SUPPORT FOR SOCIAL SERVICES			
	OPERATING		HMS	33.50* 4,498,005 A	33.50* 3,581,397 A
			HMS	9.50*	9.50*
			HMS	3,246,414 N	3,246,986 N
31.	HMS777	OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS			
	OPERATING		HMS	8.00* 31,000,000 A	8.00* 33,920,000 A

G. FORMAL EDUCATION

1.	EDN100	SCHOOL-BASED BUDGETING			
	OPERATING		EDN	12,485.75* 680.25#	12,413.25* 680.25#
			EDN	1,192,034,817 A	1,179,452,497 A
			EDN	5,251,693 B	5,251,693 B
			EDN	140,170,617 N	140,170,617 N
			EDN	13,390,000 T	13,390,000 T
			EDN	7,495,605 U	7,495,605 U
			EDN	9.00*	9.00*
			EDN	2,921,333 W	2,921,333 W
			EDN	7,749,999 P	7,749,999 P
	INVESTMENT CAPITAL		EDN	88,415,000 A	58,070,000 A
			EDN	283,596,000 C	66,700,000 C
			EDN	102,400,000 P	144,000,000 P
2.	EDN150	SPECIAL EDUCATION AND STUDENT SUPPORT SERVICES			
	OPERATING		EDN	5,350.50* 1,228.25#	5,350.50* 1,228.25#
			EDN	462,222,222 A	460,200,205 A
			EDN	250,000 B	250,000 B
			EDN	2.00*	2.00*
			EDN	33.00#	33.00#
			EDN	52,164,701 N	52,164,701 N
			EDN	14.00*	14.00*
			EDN	6,724,273 W	6,788,809 W
			EDN	5,000,000 P	5,000,000 P
3.	EDN200	INSTRUCTIONAL SUPPORT			
	OPERATING		EDN	436.00* 81.00#	436.00* 81.00#
			EDN	80,565,206 A	81,932,890 A
			EDN	11.00*	11.00*

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			EDN	2,396,308 B 2.00#	2,396,308 B 2.00#
			EDN	900,000 N 1.00#	900,000 N 1.00#
			EDN	273,794 P	273,794 P
4.		EDN300 - STATE ADMINISTRATION		403.00 * 8.00#	403.00 * 8.00#
		OPERATING	EDN	62,248,091 A	63,493,429 A
			EDN	112,140 N	112,140 N
			EDN	30,000 P	30,000 P
5.		EDN400 - SCHOOL SUPPORT		844.50 * 4.00#	844.50 * 4.00#
		OPERATING	EDN	258,785,885 A	241,054,079 A
			EDN	44,178,059 B 718.50 * 98.50#	44,199,081 B 718.50 * 98.50#
			EDN	66,097,300 N	66,097,300 N
			EDN	150,000 R 4.00 * 2.00#	150,000 R 4.00 * 2.00#
		INVESTMENT CAPITAL	EDN	8,085,567 W	8,097,927 W
			EDN	3,500,000 A	2,000,000 A
			EDN	1,260,000 C	C
6.		EDN450 - SCHOOL FACILITIES AUTHORITY		12.00 * 171,761,193 A 51,761,193 A ¹	12.00 * 1,761,193 A
		OPERATING	EDN	25,100,000 C	C
		INVESTMENT CAPITAL	EDN		
7.		EDN500 - SCHOOL COMMUNITY SERVICES		38.00 * 6.00#	38.00 * 6.00#
		OPERATING	EDN	4,980,235 A 1.00 *	5,075,127 A 1.00 *
			EDN	1,745,268 B 2.00#	1,748,284 B 2.00#
			EDN	3,266,757 N	3,266,757 N
			EDN	23,224,665 W	23,224,665 W
8.		EDN600 - CHARTER SCHOOLS			
		OPERATING	EDN	123,362,613 A	127,811,451 A
			EDN	5,042,000 N	5,042,000 N
		INVESTMENT CAPITAL	EDN	275,000 A	A
			EDN	6,290,000 C	C
9.		EDN612 - CHARTER SCHOOLS COMMISSION AND ADMINISTRATION		21.12 * 5,861,019 A 6.88 *	81.12 * 12,494,269 A 6.88 *
		OPERATING	EDN	1,800,000 N	1,800,000 N
			EDN		
10.		EDN700 - EARLY LEARNING		133.00 * 12,304,185 A	223.00 * 16,108,333 A
		OPERATING	EDN		

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			EDN	3,000,000 B 1.00#	3,000,000 B 1.00#
			EDN	125,628 N	125,628 N
11.	BUF745 - RETIREMENT BENEFITS - DOE	OPERATING	BUF	510,296,475 A	528,967,329 A
12.	BUF765 - HEALTH PREMIUM PAYMENTS - DOE	OPERATING	BUF	151,493,154 A	154,523,017 A
13.	BUF725 - DEBT SERVICE PAYMENTS - DOE	OPERATING	BUF	389,711,179 A	436,740,072 A
14.	AGS807 - SCHOOL R&M, NEIGHBOR ISLAND DISTRICTS	OPERATING	AGS	75.00* 6,341,209 A	75.00* 6,606,171 A
			AGS	10.00* 2,165,204 U	10.00* 2,206,640 U
15.	EDN407 - PUBLIC LIBRARIES	OPERATING	EDN	567.50* 43,453,723 A	567.50* 45,323,169 A
			EDN	4,000,000 B	4,000,000 B
			EDN	1,365,244 N	1,365,244 N
	INVESTMENT CAPITAL		AGS	10,000,000 A	10,000,000 A
			AGS	26,000,000 C	C
16.	DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY	OPERATING	DEF	24.50# 1,972,854 A	24.50# 1,847,854 A
			DEF	73.50#	73.50#
			DEF	6,286,610 P	6,286,610 P
	INVESTMENT CAPITAL		DEF	3,000,000 A	A
17.	UOH100 - UNIVERSITY OF HAWAII, MANOA	OPERATING	UOH	2,935.14* 42.25# 274,009,077 A	2,935.14* 42.25# 277,834,538 A
			UOH	377.25* 2.00#	377.25* 2.00#
			UOH	361,506,629 B	361,506,629 B
			UOH	77.06* 6,873,565 N	77.06* 6,873,565 N
			UOH	28.00* 65,467,386 W	28.00* 65,563,757 W
	INVESTMENT CAPITAL		UOH	5,250,000 A	5,000,000 A
			UOH	19,750,000 C	63,517,000 C
18.	UOH110 - UNIVERSITY OF HAWAII, JOHN A. BURNS SCHOOL OF MEDICINE	OPERATING	UOH	205.03* 3.50# 25,400,743 A	205.03* 3.50# 24,799,862 A
			UOH	28,163,949 B	28,163,949 B
			UOH	8,009,939 W	8,009,939 W
19.	UOH210 - UNIVERSITY OF HAWAII, HILO	OPERATING	UOH	522.25* 7.00# 47,428,371 A	522.25* 7.00# 45,683,122 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
				64.00 *	64.00 *
			UOH	47,227,520 B	47,227,520 B
			UOH	443,962 N	443,962 N
				2.00 *	2.00 *
		INVESTMENT CAPITAL	UOH	7,474,443 W	7,488,856 W
			UOH	6,000,000 A	16,200,000 A
			UOH	10,500,000 C	4,800,000 C
20.		UOH220 - SMALL BUSINESS DEVELOPMENT		11.00 #	11.00 #
		OPERATING	UOH	978,941 A	978,941 A
21.		UOH700 - UNIVERSITY OF HAWAII, WEST OAHU		234.50 *	234.50 *
				1.50 #	1.50 #
		OPERATING	UOH	21,302,764 A	20,840,858 A
			UOH	21,383,209 B	22,024,842 B
			UOH	802,037 N	802,037 N
			UOH	2,089,262 W	2,097,308 W
22.		UOH800 - UNIVERSITY OF HAWAII, COMMUNITY COLLEGES		1,812.50 *	1,812.50 *
				46.00 #	46.00 #
		OPERATING	UOH	177,676,803 A	182,428,030 A
			UOH	75,630,837 B	75,630,837 B
				0.50 *	0.50 *
			UOH	4,428,296 N	4,428,296 N
				34.00 *	34.00 *
		INVESTMENT CAPITAL	UOH	31,824,086 W	31,824,086 W
			UOH	50,250,000 A	50,000,000 A
			UOH	80,625,000 C	13,000,000 C
23.		UOH900 - UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT		416.00 *	416.00 *
				1.00 #	1.00 #
		OPERATING	UOH	62,925,512 A	59,963,501 A
				20.00 *	20.00 *
			UOH	22,648,946 B	23,826,197 B
				4.00 *	4.00 *
				4.00 #	4.00 #
			UOH	1,094,875 N	1,094,875 N
				15.00 *	15.00 *
		INVESTMENT CAPITAL	UOH	18,486,475 W	18,501,237 W
			UOH	30,000,000 A	30,000,000 A
24.		BUF748 - RETIREMENT BENEFITS - UH			
		OPERATING	BUF	205,849,964 A	220,436,922 A
25.		BUF768 - HEALTH PREMIUM PAYMENTS - UH			
		OPERATING	BUF	56,217,718 A	57,342,073 A
26.		BUF728 - DEBT SERVICE PAYMENTS - UH			
		OPERATING	BUF	144,231,585 A	161,636,915 A
27.		UOH115 - UNIVERSITY OF HAWAII, CANCER CENTER		37.00 *	37.00 *
		OPERATING	UOH	3,466,369 A	3,703,285 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
H. CULTURE AND RECREATION					
1.	UOH881 - AQUARIA				
	OPERATING		UOH	9,00 * 876,978 A 7,00 *	9,00 * 915,855 A 7,00 *
			UOH	3,517,141 B	3,517,141 B
			UOH	996,499 W	996,499 W
2.	AGS881 - STATE FOUNDATION ON CULTURE AND THE ARTS				
	OPERATING		AGS	1,50 * 10,330,534 A 17,00 *	1,50 * 10,333,356 A 17,00 *
			AGS	5,675,823 B	5,717,241 B
				4,50 *	4,50 *
			AGS	805,300 N	805,300 N
				1,00 #	1,00 #
			AGS	70,175 T	70,175 T
3.	LNR802 - HISTORIC PRESERVATION				
	OPERATING		LNR	45,00 * 4,382,199 A 3,00 *	45,00 * 4,503,844 A 3,00 *
			LNR	904,366 B	917,794 B
				6,00 *	6,00 *
			LNR	615,982 N	615,982 N
4.	LNR804 - FOREST AND OUTDOOR RECREATION				
	OPERATING		LNR	38,00 * 4,613,886 A 3,00 *	38,00 * 4,801,668 A 3,00 *
			LNR	902,074 B	914,471 B
				18,50 *	18,50 *
			LNR	4,400,000 N	4,400,000 N
				3,00 *	3,00 *
			LNR	1,006,411 W	912,795 W
	INVESTMENT CAPITAL		LNR	200,000 A	2,500,000 A
5.	LNR806 - PARKS ADMINISTRATION AND OPERATION				
	OPERATING		LNR	155,00 * 62,545,402 A 37,545,402 A ¹	155,00 * 12,850,611 A
			LNR	23,094,536 B	21,094,536 B
	INVESTMENT CAPITAL		LNR	150,000 A	A
			LNR	8,700,000 C	4,000,000 C
			LNR	500,000 N	500,000 N
6.	LNR801 - OCEAN-BASED RECREATION				
	OPERATING		LNR	10,00 * 60,690,440 A 465,440 A ¹	10,00 * 476,549 A
				118,00 *	118,00 *
			LNR	41,008,508 B	41,354,059 B
			LNR	1,500,000 N	1,500,000 N
	INVESTMENT CAPITAL		LNR	5,400,000 A	A
			LNR	2,000,000 B	2,000,000 B
			LNR	22,550,000 C	C
			LNR	1,000 N	100,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
7.	BED180	SPECTATOR EVENTS & SHOWS	-ALOHA STADIUM	18.50*	18.50*
				1.00#	1.00#
	OPERATING		BED	8,672,442 B	8,800,771 B
I. PUBLIC SAFETY					
1.	PSD402	HALAWA CORRECTIONAL FACILITY		411.00*	411.00*
	OPERATING		PSD	35,994,959 A	37,723,924 A
2.	PSD403	KULANI CORRECTIONAL FACILITY		83.00*	83.00*
	OPERATING		PSD	6,736,900 A	6,978,768 A
3.	PSD404	WAIAWA CORRECTIONAL FACILITY		113.00*	113.00*
	OPERATING		PSD	8,521,926 A	8,797,831 A
4.	PSD405	HAWAII COMMUNITY CORRECTIONAL CENTER		193.00*	193.00*
	OPERATING		PSD	14,730,758 A	15,220,198 A
5.	PSD406	MAUI COMMUNITY CORRECTIONAL CENTER		205.00*	205.00*
	OPERATING		PSD	14,872,239 A	16,116,875 A
				3.00#	3.00#
			PSD	209,721 S	209,721 S
6.	PSD407	OAHU COMMUNITY CORRECTIONAL CENTER		501.00*	501.00*
	OPERATING		PSD	40,621,493 A	41,805,659 A
7.	PSD408	KAUAI COMMUNITY CORRECTIONAL CENTER		74.00*	74.00*
	OPERATING		PSD	6,383,289 A	6,609,583 A
8.	PSD409	WOMEN'S COMMUNITY CORRECTIONAL CENTER		270.00*	270.00*
	OPERATING		PSD	15,860,044 A	20,762,306 A
9.	PSD410	INTAKE SERVICE CENTERS		73.00*	73.00*
	OPERATING		PSD	5,601,773 A	5,860,680 A
10.	PSD420	CORRECTIONS PROGRAM SERVICES		185.00*	185.00*
	OPERATING		PSD	25,418,326 A	26,098,010 A
			PSD	1,045,989 N	1,045,989 N
11.	PSD421	HEALTH CARE		266.60*	266.60*
	OPERATING		PSD	36,590,487 A	38,920,323 A
12.	PSD422	HAWAII CORRECTIONAL INDUSTRIES		2.00*	2.00*
	OPERATING		PSD	42.00#	42.00#
				10,784,496 W	10,876,979 W

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
13.	PSD808	- NON-STATE FACILITIES			
	OPERATING		PSD	9.00 * 46,289,307 A	9.00 * 46,312,753 A
14.	PSD502	- NARCOTICS ENFORCEMENT			
	OPERATING		PSD	16.00 * 758,848 A	* A
			PSD	8.00 * 497,319 W	* W
			PSD	400,000 P	P
15.	PSD503	- SHERIFF			
	OPERATING		PSD	297.00 * 12,458,971 A	* A
			PSD	300,000 N	N
			PSD	80.00 * 5,581,581 U	* U
			PSD	300,000 P	P
16.	LAW502	- NARCOTICS ENFORCEMENT DIVISION			
	OPERATING		LAW	14.00 * 911,270 A	14.00 * 1,708,652 A
			LAW	8.00 * 497,320 W	8.00 * 1,004,068 W
			LAW	400,000 P	800,000 P
17.	LAW503	- SHERIFF			
	OPERATING		LAW	312.00 * 14,290,032 A	312.00 * 27,690,674 A
			LAW	300,000 N	600,000 N
			LAW	100.00 * 6,744,259 U	100.00 * 13,828,189 U
			LAW	300,000 P	600,000 P
18.	LAW504	- CRIMINAL INVESTIGATION DIVISION			
	OPERATING		LAW	7.00 * 6.00 # 674,305 A	7.00 * 6.00 # 1,169,051 A
			LAW	1.00 * B	1.00 * B
			LAW	2.00 * 5.00 # 372,274 U	2.00 * 5.00 # 814,382 U
19.	LAW505	- LAW ENFORCEMENT TRAINING DIVISION			
	OPERATING		LAW	8.00 * 442,217 A	8.00 * 758,000 A
20.	LAW900	- GENERAL ADMINISTRATION			
	OPERATING		LAW	64.00 * 61,022,542 A	64.00 * 8,986,856 A
			LAW	56,022,542 A ¹	
21.	LAW901	- OFFICE OF HOMELAND SECURITY			
	OPERATING		LAW	10.00 * 2.50 # 636,832 A	10.00 * 2.50 # 1,186,246 A
			LAW	3.00 * 5.00 # 554,446 N	3.00 * 5.00 # 1,144,085 N
			LAW	5,603,750 U	4,802,857 U

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			LAW	1.00# 69,998 P	1.00# 145,246 P
22.	PSD611 - ADULT PAROLE DETERMINATIONS				
	OPERATING		PSD	7.00* 563,384 A	7.00* 569,056 A
23.	PSD612 - ADULT PAROLE SUPERVISION AND COUNSELING				
	OPERATING		PSD	61.00* 5,033,732 A	61.00* 5,192,966 A
24.	PSD613 - CRIME VICTIM COMPENSATION COMMISSION				
	OPERATING		PSD	13.00* 1,112,102 A	13.00* 1,124,602 A
			PSD	1,186,017 B	1,186,017 B
			PSD	1.00# 859,315 P	1.00# 859,315 P
25.	PSD900 - GENERAL ADMINISTRATION				
	OPERATING		PSD	159.00* 25,049,233 A	145.00* 25,041,312 A
			PSD	4.00* 1,310,363 B	4.00* 1,330,312 B
	INVESTMENT CAPITAL		PSD	75,065 T	75,065 T
			AGS	15,000,000 A	7,500,000 A
			PSD	3,000,000 A	3,000,000 A
			AGS	C	10,000,000 C
			PSD	11,000,000 C	16,000,000 C
26.	ATG231 - STATE CRIMINAL JUSTICE INFORMATION AND IDENTIFICATION				
	OPERATING		ATG	23.50* 2,208,727 A	23.50* 2,208,727 A
			ATG	24.50* 3,851,158 W	24.50* 3,915,042 W
			ATG	1,204,841 P	1,204,841 P
27.	LNR810 - PREVENTION OF NATURAL DISASTERS				
	OPERATING		LNR	8.00* 2,544,668 B	8.00* 2,583,657 B
			LNR	487,938 P	487,938 P
28.	DEF110 - AMELIORATION OF PHYSICAL DISASTERS				
	OPERATING		DEF	100.25* 4.50# 10,532,284 A	96.25* 2.00# 10,759,892 A
			DEF	4.00* 5.00# 4,746,780 N	1.00* # 4,157,141 N
			DEF	21.75* 1.50# 11,800,481 P	21.75* 0.50# 10,604,187 P
	INVESTMENT CAPITAL		DEF	250,000 C	C
29.	DEF116 - HAWAII ARMY AND AIR NATIONAL GUARD				
	OPERATING		DEF	19.75* 6,102,732 A	19.75* 5,122,570 A
			DEF	97.25* 21.00# 39,365,648 P	97.25* 21.00# 39,574,888 P
	INVESTMENT CAPITAL		DEF	1,680,000 A	1,657,000 A
			DEF	4,490,000 P	4,680,000 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
30.	DEF118	HAWAII EMERGENCY MANAGEMENT AGENCY		28.00 *	28.00 *
				67.25 #	67.25 #
	OPERATING		DEF	26,362,784 A	11,686,636 A
				14,362,784 A ¹	
			DEF	500,000 B	500,000 B
			DEF	4,156,958 N	4,156,958 N
				2.00 #	2.00 #
			DEF	500,000 W	500,000 W
				20.75 #	20.75 #
	INVESTMENT CAPITAL		DEF	26,503,938 P	22,003,938 P
			AGS	1,500,000 A	1,500,000 A
			DEF	5,000,000 A	A
			AGS	5,000,000 C	5,000,000 C
			AGS	1,500,000 P	1,500,000 P
J. INDIVIDUAL RIGHTS					
1.	CCA102	CABLE TELEVISION		7.00 *	7.00 *
	OPERATING		CCA	2,611,532 B	2,650,263 B
2.	CCA103	CONSUMER ADVOCATE FOR COMMUNICATION, UTILITIES, AND TRANSPORTATION SERVICES		25.00 *	25.00 *
	OPERATING		CCA	4,657,737 B	4,786,380 B
3.	CCA104	FINANCIAL SERVICES REGULATION		43.00 *	43.00 *
	OPERATING		CCA	6,154,437 B	6,332,828 B
			CCA	301,000 T	301,000 T
4.	CCA105	PROFESSIONAL AND VOCATIONAL LICENSING		71.00 *	71.00 *
	OPERATING		CCA	9,413,602 B	9,748,269 B
				11.00 #	11.00 #
				8.00 *	8.00 *
			CCA	4.00 #	4.00 #
			CCA	2,838,178 T	2,877,363 T
5.	CCA106	INSURANCE REGULATORY SERVICES		94.00 *	94.00 *
	OPERATING		CCA	20,227,838 B	20,628,616 B
			CCA	201,000 T	201,000 T
6.	CCA107	POST-SECONDARY EDUCATION AUTHORIZATION		1.00 *	1.00 *
	OPERATING		CCA	228,750 B	234,370 B
7.	CCA901	PUBLIC UTILITIES COMMISSION		67.00 *	67.00 *
	OPERATING		CCA	18,737,324 B	19,104,676 B
8.	CCA110	OFFICE OF CONSUMER PROTECTION		19.00 *	19.00 *
	OPERATING		CCA	3,177,727 B	3,281,077 B
			CCA	100,681 T	100,681 T

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
9.	AGR812	- MEASUREMENT STANDARDS			
	OPERATING		AGR	10.00 * 697,180 A	10.00 * 717,480 A
10.	CCA111	- BUSINESS REGISTRATION AND SECURITIES REGULATION			
	OPERATING		CCA	79.00 * 9,635,378 B	79.00 * 9,945,097 B
11.	CCA112	- REGULATED INDUSTRIES COMPLAINTS OFFICE			
	OPERATING		CCA	66.00 * 1.00 # 8,427,660 B	66.00 * 1.00 # 8,723,211 B
12.	CCA191	- GENERAL SUPPORT			
	OPERATING		CCA	2,940,000 A 53.00 * 1.00 #	2,940,000 A 53.00 * 1.00 #
			CCA	18,391,850 B	18,089,868 B
13.	AGS105	- ENFORCEMENT OF INFORMATION PRACTICES			
	OPERATING		AGS	10.50 * 1,234,122 A	10.50 * 1,258,905 A
14.	BUF151	- OFFICE OF THE PUBLIC DEFENDER			
	OPERATING		BUF	133.50 * 13,140,782 A	133.50 * 13,578,977 A
15.	LNR111	- CONVEYANCES AND RECORDINGS			
	OPERATING		LNR	57.00 * 3.00 # 8,043,432 B	57.00 * 3.00 # 8,218,592 B
16.	HMS888	- COMMISSION ON THE STATUS OF WOMEN			
	OPERATING		HMS	1.00 * 1.00 # 178,235 A	1.00 * 1.00 # 183,984 A
K. GOVERNMENT-WIDE SUPPORT					
1.	GOV100	- OFFICE OF THE GOVERNOR			
	OPERATING		GOV	30.00 * 23.00 # 5,341,153 A	30.00 * 23.00 # 5,426,774 A
2.	LTG100	- OFFICE OF THE LIEUTENANT GOVERNOR			
	OPERATING		LTG	17.00 * 2,319,967 A 300,000 B	17.00 * 2,365,231 A 300,000 B
3.	BED144	- STATEWIDE PLANNING AND COORDINATION			
	OPERATING		BED	25.00 * 4.00 # 4,621,715 A 6.00 * 5.00 #	25.00 * 4.00 # 3,574,888 A 6.00 * 5.00 #
			BED	2,449,536 N	2,449,536 N
			BED	2,000,000 W	2,000,000 W
	INVESTMENT CAPITAL		BED	2,000,000 C	2,000,000 C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
4.		BED130 - ECONOMIC PLANNING AND RESEARCH		18.46 * 5.00 #	18.46 * 5.00 #
	OPERATING		BED	5,249,887 A	5,735,147 A
			BED	8.04 * 864,351 P	8.04 * 864,351 P
5.		BUF101 - DEPARTMENTAL ADMINISTRATION AND BUDGET DIVISION		52.00 *	52.00 *
	OPERATING		BUF	745,128,102 A	545,351,873 A
			BUF	377,575,000 B	377,575,000 B
			BUF	93,000,000 P	93,000,000 P
6.		BUF103 - VACATION PAYOUT - STATEWIDE			
	OPERATING		BUF	9,700,000 A	9,700,000 A
7.		AGS871 - CAMPAIGN SPENDING COMMISSION		5.00 *	5.00 *
	OPERATING		AGS	619,533 A	642,314 A
			AGS	1,043,732 T	1,043,732 T
8.		AGS879 - OFFICE OF ELECTIONS		16.50 * 3.00 #	16.50 * 3.00 #
	OPERATING		AGS	6,169,276 A	2,470,761 A
				0.50 * 1.00 #	0.50 * 1.00 #
			AGS	99,694 N	99,694 N
9.		TAX100 - COMPLIANCE		145.00 *	148.00 *
	OPERATING		TAX	9,695,426 A	10,371,133 A
10.		TAX103 - TAX COLLECTION SERVICES OFFICE		47.00 * 1.00 #	47.00 * 1.00 #
	OPERATING		TAX	2,835,971 A	2,929,269 A
11.		TAX105 - TAX SERVICES AND PROCESSING		133.00 * 76.00 #	133.00 * 76.00 #
	OPERATING		TAX	6,762,616 A	7,023,850 A
12.		TAX107 - SUPPORTING SERVICES - REVENUE COLLECTION		87.00 * 9.00 #	87.00 * 9.00 #
	OPERATING		TAX	22,095,704 A	18,077,204 A
			TAX	13.00 # 3,603,402 B	13.00 # 3,627,620 B
13.		AGS101 - ACCOUNTING SYSTEM DEVELOPMENT AND MAINTENANCE		16.00 *	16.00 *
	OPERATING		AGS	2,383,836 A	1,906,869 A
14.		AGS102 - EXPENDITURE EXAMINATION		18.00 *	18.00 *
	OPERATING		AGS	1,591,459 A	1,624,096 A
15.		AGS103 - RECORDING AND REPORTING		13.00 *	13.00 *
	OPERATING		AGS	1,199,770 A	1,232,505 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
16.	AGS104 - INTERNAL POST AUDIT			7.00* 3.00#	7.00* 3.00#
	OPERATING		AGS	992,642 A	1,017,713 A
17.	BUF115 - FINANCIAL ADMINISTRATION			15.00* 2,545,891 A	15.00* 2,589,242 A
	OPERATING		BUF	9.00* 14,781,758 T	9.00* 11,806,481 T
18.	BUF721 - DEBT SERVICE PAYMENTS - STATE				
	OPERATING		BUF	604,828,310 A	658,334,469 A
19.	ATG100 - LEGAL SERVICES			299.74* 18.17#	296.74* 18.17#
	OPERATING		ATG	39,349,513 A 31.40* 1.00#	37,510,555 A 29.40* 1.00#
			ATG	5,270,492 B 5.73#	5,401,844 B 5.73#
			ATG	11,715,410 N 1.00*	11,715,410 N 1.00*
			ATG	4,040,631 T 118.20* 29.60#	4,062,466 T 114.60* 19.10#
			ATG	19,477,004 U 5.60* 2.00#	19,685,896 U 5.60* 2.00#
			ATG	3,480,792 W 24.34* 1.00#	3,509,792 W 23.94* 0.50#
			ATG	4,555,588 P	4,526,615 P
20.	AGS131 - ENTERPRISE TECHNOLOGY SERVICES			133.00* 13.00#	133.00* 13.00#
	OPERATING		AGS	49,233,054 A 45,233,054 A ¹ 12.00* 1.00#	43,330,178 A 12.00* 1.00#
			AGS	2,552,290 B 33.00*	2,578,244 B 33.00*
	INVESTMENT CAPITAL		AGS	6,312,584 U	6,312,584 U
			AGS	4,500,000 C	2,700,000 C
21.	AGS111 - ARCHIVES - RECORDS MANAGEMENT			18.00* 1,471,156 A	18.00* 1,574,902 A
	OPERATING		AGS	3.00* 510,214 B	3.00* 519,016 B
	INVESTMENT CAPITAL		AGS	3,400,000 C	C
22.	AGS891 - ENHANCED 911 BOARD			2.00#	2.00#
	OPERATING		AGS	11,014,447 B	11,022,491 B
23.	HRD102 - WORKFORCE ATTRACTION, SELECTION, CLASSIFICATION, AND EFFECTIVENESS			80.00*	80.00*

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
		OPERATING	HRD	23,222,716 A	24,377,853 A
			HRD	700,000 B	700,000 B
				2.00 *	2.00 *
			HRD	5,173,326 U	5,177,980 U
24.	HRD191 -	SUPPORTING SERVICES – HUMAN RESOURCES DEVELOPMENT		13.00 *	13.00 *
		OPERATING	HRD	7,786,554 A	1,750,654 A
				4,786,554 A ¹	
25.	BUF141 -	EMPLOYEES' RETIREMENT SYSTEM		116.00 *	116.00 *
		OPERATING	BUF	20,677,825 X	21,216,288 X
26.	BUF143 -	HAWAII EMPLOYER UNION TRUST FUND		62.00 *	62.00 *
		OPERATING	BUF	9,642,559 T	9,889,407 T
27.	BUF741 -	RETIREMENT BENEFITS - STATE		462,528,547 A	493,824,254 A
		OPERATING	BUF	4,000,000 U	4,000,000 U
28.	BUF761 -	HEALTH PREMIUM PAYMENTS - STATE		130,755,603 A	133,370,715 A
		OPERATING	BUF		
29.	BUF762 -	HEALTH PREMIUM PAYMENT FOR ANNUAL REQUIRED CONTRI- BUTION (ARC).		821,984,000 A	867,193,000 A
		OPERATING	BUF		
30.	LNR101 -	PUBLIC LANDS MANAGEMENT		1.00 #	1.00 #
		OPERATING	LNR	274,977 A	177,571 A
				174,977 A ¹	
				63.00 *	63.00 *
		INVESTMENT CAPITAL	LNR	22,149,609 B	22,448,200 B
			LNR	650,000 A	A
			LNR	4,560,000 C	C
			LNR	8,000,000 D	D
31.	AGS203 -	STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION		26,987,995 A	9,987,995 A
		OPERATING	AGS	5.00 *	5.00 *
			AGS	25,671,478 W	25,697,250 W
32.	AGS211 -	LAND SURVEY		10.00 *	10.00 *
		OPERATING	AGS	868,010 A	906,360 A
			AGS	285,000 U	285,000 U
33.	AGS223 -	OFFICE LEASING		8.00 *	8.00 *
		OPERATING	AGS	5,561,435 A	5,573,123 A
			AGS	5,500,000 U	5,500,000 U
34.	LNR102 -	LEGACY LAND CONSERVATION PROGRAM		2.00 *	2.00 *
		OPERATING	LNR	8,958,423 B	8,966,908 B
35.	AGS221 -	PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION		91.00 *	91.00 *
		OPERATING	AGS	15,380,669 A	7,667,395 A
				14,330,669 A ¹	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			AGS	4,000,000 W	4,000,000 W
		INVESTMENT CAPITAL	AGS	41,500,000 A	15,000,000 A
			AGS	106,975,000 C	C
36.	AGS231	CENTRAL SERVICES - CUSTODIAL SERVICES		125.00 *	125.00 *
				1.00 #	1.00 #
		OPERATING	AGS	24,092,352 A	23,218,506 A
			AGS	1,699,084 U	1,699,084 U
37.	AGS232	CENTRAL SERVICES - GROUNDS MAINTENANCE		31.00 *	31.00 *
		OPERATING	AGS	2,728,086 A	2,619,182 A
38.	AGS233	CENTRAL SERVICES - BUILDING REPAIRS AND ALTERATIONS		33.00 *	33.00 *
		OPERATING	AGS	4,091,600 A	3,686,525 A
				3,591,600 A ¹	
39.	AGS240	STATE PROCUREMENT		25.00 *	25.00 *
				1.00 #	1.00 #
		OPERATING	AGS	2,286,888 A	2,313,491 A
40.	AGS244	SURPLUS PROPERTY MANAGEMENT		5.00 *	5.00 *
		OPERATING	AGS	1,915,830 W	1,934,772 W
41.	AGS251	AUTOMOTIVE MANAGEMENT - MOTOR POOL		13.00 *	13.00 *
		OPERATING	AGS	3,456,146 W	3,538,148 W
42.	AGS252	AUTOMOTIVE MANAGEMENT - PARKING CONTROL		27.00 *	27.00 *
		OPERATING	AGS	4,446,696 W	4,560,184 W
43.	AGS901	GENERAL ADMINISTRATIVE SERVICES		41.00 *	41.00 *
				1.00 #	1.00 #
		OPERATING	AGS	4,495,615 A	4,656,338 A
				1.00 *	1.00 *
			AGS	88,394 U	89,505 U
44.	SUB201	CITY AND COUNTY OF HONOLULU			
		INVESTMENT CAPITAL	CCH	10,500,000 C	C
			CCH	500,000 S	S
45.	SUB401	COUNTY OF MAUI			
		INVESTMENT CAPITAL	COM	34,750,000 C	C
			COM	34,750,000 S	S
			COM	1,000 P	P
46.	SUB501	COUNTY OF KAUAI			
		INVESTMENT CAPITAL	COK	2,975,000 C	C
			COK	1,025,000 S	S

PART III. PROGRAM APPROPRIATION PROVISIONS

SECTION 4. Provided that of the general fund appropriation to departmental administration and budget division (BUF101), the sum of \$500,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the sum

ACT 164

of ~~\$500,000,000~~ \$0¹ or so much thereof as may be necessary for fiscal year 2024-2025 shall be deposited into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes, to satisfy the requirements of article VII, section 6, of the Hawaii Constitution.

SECTION 5. Any provision of this Act to the contrary notwithstanding, the governor is authorized to transfer up to \$200,000,000 in general funds appropriated in department administration and budget division (BUF101) in this Act to other state agencies for government operations; provided that the governor shall provide notice to the legislature 14 days prior to the date of transfer and 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 2024 and 2025.

PART IV. GRANT-IN-AID APPROPRIATIONS

SECTION 6. APPROPRIATIONS. The legislature finds that the grant recipients named in this Part have applied for a grant pursuant to section 42F-102, Hawaii Revised Statutes, and qualify to receive a grant pursuant to section 42F-103, Hawaii Revised Statutes. The appropriations shall be disbursed by a contract between the named expending agency and the grant recipient pursuant to sections 42F-104, 42F-105, and 42F-106, Hawaii Revised Statutes. Further, the legislature finds and declares that the grants are in the public interest and for the public health, safety, and general welfare of the State.

<u>AMOUNT</u>	<u>PROJECT</u>
1. \$25,000.00	808 CLEANUPS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR 808 CLEANUPS FOR COSTS RELATING TO KEEPING HAWAII CLEAN FROM MAUKA TO MAKAI FOR WATER AND LAND DEVELOPMENT (LNR141) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
2. \$200,000.00	ACHIEVE ZERO ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ACHIEVE ZERO FOR COSTS RELATING TO ADDRESSING THE NEEDS OF THE HOUSELESS AND AT-RISK HOUSELESS INDIVIDUALS, FAMILIES, YOUTH, AND VETERANS IN HAWAII FOR HOMELESS SERVICES (HMS224) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
3. \$300,000.00	ADULT FRIENDS FOR YOUTH ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ADULT FRIENDS FOR YOUTH FOR COSTS RELATING TO PROVIDE REDIRECTIONAL THERAPY TO DIVERT YOUTH FROM THE JUVENILE SYSTEM FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
4. \$100,000.00	AFTER-SCHOOL ALL-STARS HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, AFTER-SCHOOL ALL STARS HAWAII FOR COSTS RELATING TO AFTER-SCHOOL AND SUMMER PROGRAMS THAT KEEP MIDDLE SCHOOL STUDENTS SAFE AND HELP THEM REACH THEIR POTENTIAL FOR STATE ADMINISTRATION (EDN300) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
5. \$100,000.00	ALOHA DIAPER BANK ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ALOHA DIAPER BANK, COSTS RELATED TO INCREASING THE CAPACITY OF MAUI, KAUAI, AND MOLOKAI PANTRIES AND EXPANDING THE OAHU PANTRY FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
6. \$150,000.00	ALOHA HARVEST ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, ALOHA HARVEST FOR COSTS RELATING TO ESTABLISHING FOOD RESILIENCE HUBS/EMERGENCY RESPONSE CENTERS FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
7. \$75,000.00	ALS OHANA OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, ALS OHANA OF HAWAII FOR COSTS RELATING TO HELPING PEOPLE WITH ALS AT NO COST FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION (HMS590) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
8. \$100,000.00	AMERICAN JUDICATURE SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STAT- UTES, AMERICAN JUDICATURE SOCIETY FOR COSTS RELATING TO SECURE AND PROMOTE AN INDEPEN- DENT AND QUALIFIED JUDICIARY AND A FAIR SYSTEM OF JUSTICE FOR LEGAL SERVICES (ATG100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
9. \$100,000.00	BALLET HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, BALLET HAWAII FOR COSTS RELATING TO PROVIDE EQUITABLE ACCESS TO ARTS FOR STATE FOUNDATION ON CULTURE AND ARTS (AGS881) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
10. \$100,000.00	BIG BROTHERS, BIG SISTERS HAWAII, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR BIG BROTHER BIG SISTERS, HAWAII FOR COSTS RELATED TO MENTORSHIP OF YOUTH FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION FOR FUNDS; AND
11. \$60,000.00	BIG ISLAND MEDIATION, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, BIG ISLAND MEDIATION INC. FOR COSTS RELATING TO DIVERT CRIMINAL CASES TO AN ALTERNATIVE JUSTICE PROCESS FOR LEGAL SERVICES (ATG100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
12. \$150,000.00	BOBBY BENSON CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, BOBBY BENSON CENTER. FOR COSTS RE- LATING TO ASSIST IN PROVIDING RESIDENTIAL TREATMENT SERVICES TO ADOLESCENTS FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
13. \$300,000.00	BOYS & GIRLS CLUBS OF MAUI, INC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, BOYS AND GIRLS CLUB OF MAUI, INC. FOR COSTS RELATING TO SERVING THE UNDERSERVED YOUTH OF MAUI FOR IN- COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
14. \$150,000.00	CATHOLIC CHARITIES HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STAT- UTES, CATHOLIC CHARITIES OF HAWAII FOR COSTS RELATING TO PROMOTE WELL-BEING AND INDEPENDENCE OF OLDER ADULTS FOR EXECUTIVE OFFICE ON AGING (HTH904) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
15. \$100,000.00	CHILD AND FAMILY SERVICE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, CHILD AND FAMILY SERVICE FOR COSTS RELATING TO PREVENTION OF CHILD SEXUAL ABUSE AND PROVIDING A PUBLIC BENEFIT TO VICTIMS OF SEXUAL ABUSE FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
16. \$45,000.00	COMMON GRACE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, COMMON GRACE FOR COSTS RELATING TO A MENTORSHIP PROGRAM FOR SCHOOL AGED CHILDREN AND YOUTH/YOUNG ADULTS FOR SCHOOL-BASED BUDGETING (EDN100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
17. \$325,000.00	COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT FOR COSTS RELATED TO ADVANCING THE TRANSFORMATION OF TOURISM WHILE ALSO PROTECTING OUR COMMUNITY AND EMBRACING HAWAIIAN CULTURE FOR ADMINISTRATION (OHA160) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
18. \$75,000.00	DOMESTIC VIOLENCE ACTION CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, DOMESTIC VIOLENCE ACTION CENTER COSTS RELATING TO INCREASE SAFETY AND STABILITY OF SURVIVORS OF FAMILY VIOLENCE AND THEIR CHILDREN FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
19. \$40,000.00	EPILEPSY FOUNDATION OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, EPILEPSY FOUNDATION OF HAWAII FOR COSTS RELATING TO FIGHTING TO OVER-COME CHALLENGES OF LIVING WITH EPILEPSY FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION (HTH590) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
20. \$168,000.00	ETHNIC EDUCATION HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ETHNIC EDUCATION HAWAII FOR COSTS RELATED TO PROVIDING MULTILINGUAL AN MULTIMEDIA INFORMATION TO THE STATE'S IMMIGRANT AND LIMITED ENGLISH PROFICIENT RESIDENTS FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
21. \$20,000.00	EWA BEACH LIONS CLUB ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, EWA BEACH LIONS CLUB FOR COSTS RELATING TO PERPETUATE LONG STANDING TRADITIONS FOR EWA BEACH AND PROVIDES A SENSE OF PRIDE AND CULTURAL IDENTITIES FOR OUR RESIDENTS FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
22. \$50,000.00	FEEDING HAWAII TOGETHER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FEEDING HAWAII TOGETHER FOR COSTS RELATING TO MEET THE NEEDS OF OAHU'S GROWING FOOD INSECURITY FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
23. \$250,000.00	FRIENDS OF HAWAII TECHNOLOGY ACADEMY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FRIENDS OF HAWAII TECHNOLOGY MEDIA FOR COSTS RELATING TO PURCHASE FURNITURE, FIXTURES, AND EQUIPMENT FOR ALL FIVE OF HAWAII TECHNOLOGY ACADEMY CAMPUSES FOR CHARTER SCHOOLS COMMISSION AND ADMINISTRATION (EDN612) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
24. \$300,000.00	FRIENDS OF KA LEO HAWAII MEDIA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FRIENDS OF HAWAII TECHNOLOGY MEDIA FOR COSTS RELATING TO INCREASE THE VITALITY AND GROWTH OF THE HAWAIIAN LANGUAGE THROUGH THE USE OF HAWAIIAN IN MAINSTREAM MEDIA FOR UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT (UOH900) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
25. \$75,000.00	FRIENDS OF WAIALUA ROBOTICS, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FRIENDS OF WAIALUA ROBOTICS INC. FOR COSTS RELATING TO SUPPORT THE WAIALUA ACADEMIC AND ENRICHMENT OUTREACH STEM OPPORTUNITIES FOR SCHOOL-BASED BUDGETING (EDN100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
26. \$100,000.00	GOODWILL INDUSTRIES OF HAWAII, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, GOODWILL INDUSTRIES OF HAWAII, INC. FOR COSTS RELATING TO CHARGING STATIONS AND A FLEET OF ELECTRIC VEHICLES FOR GENERAL ADMINISTRATION (TRN995) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
27. \$300,000.00	HALE KIPA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HALE KIPA FOR COSTS RELATED TO INFORM AND EDUCATE YOUTH AND YOUNG ADULTS ABOUT THE IMPORTANCE OF SUSTAINABLE FOOD SOVEREIGNTY FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
28. \$140,000.00	HALE MAKUA HEALTH SERVICES ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HALE MAKUA HEALTH FOR COSTS RELATING TO DEFINE THE NEED FOR MEDICAL RESPITE ON MAUI AND PROVIDES ADEQUATE DIRECTION TO DEVELOP A FEASIBILITY PROJECT PLAN FOR HAWAII HEALTH SYSTEMS CORPORATION- REGIONS (HTH212) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
29. \$90,000.00	HALIIMAILE PINEAPPLE COMPANY, LTD. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HALIIMAILE PINEAPPLE COMPANY, LTD. SERVICES FOR COSTS RELATING TO INSTALL FENCING TO ADDRESS CROP DAMAGE FROM AXIS DEER AND FERAL ANIMALS FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
30. \$150,000.00	HAWAII AG AND CULINARY ALLIANCE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII AG AND CULINARY ALLIANCE FOR COSTS RELATED TO DEVELOP TWO NEW COHORTS OF 15 EACH, VALUE-ADDED ENTREPRENEURS UTILIZING LOCAL AGRICULTURAL INGREDIENTS, FEATURE THEIR PRODUCTS, AND HELP THEM INCUBATE AND ACCELERATE THEIR NEW BUSINESSES FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
31. \$250,000.00	HAWAII AGRICULTURAL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII AGRICULTURAL FOUNDATION FOR COSTS RELATED TO ADDRESS THE NEED TO INCREASE LOCAL FOOD PRODUCTION AND GARNER GREATER OVERALL COMMUNITY SUPPORT FOR LOCAL AGRICULTURE THROUGH AGRICULTURAL EDUCATION PROGRAMS AND PUBLIC AWARENESS AND OUTREACH INITIATIVES FOR AGRICULTURAL DEVELOPMENT AND MARKETING (AGR171) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
32. \$100,000.00	HAWAII AQUATICS FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII AQUATICS FOUNDATION COM- PANY, LTD. SERVICES FOR COSTS RELATING TO PROVIDE AQUATIC SAFETY AND SWIM SKILL INSTRUCTION TO STUDENTS FOR STATE ADMINISTRATION (EDN300) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
33. \$100,000.00	HAWAII CANOE RACING ASSOCIATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII CANOE RACING ASSOCIATION FOR COSTS RELATING TO SECURE FUNDING IN ORDER TO SUCCESSFULLY HOST THE 2024IVF WORLD SPRINTS FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
34. \$50,000.00	HAWAII CHILDREN'S ACTION NETWORK ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII CHILDREN'S ACTION NETWORK FOR COSTS RELATING TO INCREASE CIVIC ENGAGEMENT AMONG PARENTS AND COMMUNITY MEMBERS FOR GENERAL SUPPORT FOR SOCIAL SERVICES (HMS901) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
35. \$40,000.00	HAWAII CHILDREN'S ACTION NETWORK ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII CHILDREN'S ACTION NETWORK FOR COSTS RELATING TO ENHANCE PROGRAM- MING, ELEVATE HAWAII DIAPER BANK'S COMMUNITY PRESENCE, AND IMPROVE OPERATIONAL EFFICIENCY FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
36. \$200,000.00	HAWAII FARM BUREAU FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII FARM BUREAU FOUNDATION FOR COSTS RELATED TO FACILITATE THE SHARING OF KNOWLEDGE, TECHNOLOGY, INNOVATION, AND BEST PRACTICES WITH A GLOBAL AGRICULTURAL LEADER TO HELP IMPROVE THE ECONOMIC VITALITY OF HAWAII'S AGRICULTURE SECTOR TO ACHIEVE THESE GOALS FOR QUALITY AND PRICE ASSURANCE (AGR151) AND ALL EXPENSES RELATED TO THEIR APPLICA- TION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
37. \$400,000.00	HAWAII FOODBANK, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII FOOD BANK, INC. FOR COSTS RELATING TO PURCHASE TWO MOBILE PANTRY VEHICLES TO EXPAND FOOD DISTRIBUTION AND SUPPORT CURRENT OPERATIONS FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
38. \$50,000.00	HAWAII FOUNDATION FOR EDUCATORS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII FOUNDATION FOR EDUCATORS FOR COSTS RELATING TO SUPPORT TEACHERS IN THEIR PROFESSIONAL DEVELOPMENT GROWTH FOR INSTRUCTIONAL SUPPORT (EDN200) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
39. \$190,000.00	HAWAII HEALTH & HARM REDUCTION CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII HEALTH AND HARM REDUCTION CENTER FOR COSTS RELATING TO ADDRESS NEEDS OF INDIVIDUALS IMPACTED BY HOMELESSNESS, POVERTY, BEHAVIORAL HEALTH ISSUES, AND SOCIAL DETERMINANTS OF HEALTH FOR GENERAL SUPPORT FOR SOCIAL SERVICES (HMS901) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
40. \$150,000.00	HAWAII ISLAND HUMANE SOCIETY S.P.C.A. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII ISLAND HUMANE SOCIETY FOR COSTS RELATED TO INCREASE ACCESS TO VETERINARY CARE FOR PET OWNERS IN HAWAII COUNTY FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
41. \$100,000.00	HAWAII LITERACY, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII LITERACY FOR COSTS RELATING TO BUILDING PROGRAM CAPACITY FOR TUTORING, PRISON LITERACY, AND PARENTS ACHIEVING LITERACY (PALS) INITIATIVES AND SERVICE EXPANSION FOR HAWAII FOR GENERAL SUPPORT FOR SOCIAL SERVICES (HMS901) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
42. \$100,000.00	HAWAII PARKINSON ASSOCIATION, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII PARKINSON ASSOCIATION FOR COSTS RELATING TO TRAIN ONE GENERAL NEUROLOGIST TO BECOME CERTIFIED MOVEMENT DISORDER SPECIALIST FOR COSTS RELATING TO FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
43. \$80,000.00	HAWAII TAX HELP AND FINANCIAL EMPOWERMENT SOLUTIONS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII TAX HELP AND FINANCIAL EMPOWERMENT SOLUTIONS FOR COSTS RELATING TO EXPAND FREE TAX SERVICES TO LOW TO MODERATE INCOME RESIDENTS FOR COMPLIANCE (TAX100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
44. \$30,000.00	HAWAII YOUTH SERVICES NETWORK ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII YOUTH SERVICES NETWORK FOR COSTS RELATING TO CONDUCT THE HAWAII CHILDREN AND YOUTH SUMMIT AND SUPPORT YOUTH ENGAGEMENT IN CIVIC AFFAIRS FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
45. \$350,000.00	HAWAIIAN HUMANE SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAIIAN HUMANE SOCIETY COSTS RELATING TO SUPPORT THE ANIMAL BEHAVIOR/ENRICHMENT PROGRAM AND ONGOING VETERINARY SERVICES FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
46. \$195,000.00	HEALTHY MOTHERS, HEALTHY BABIES COALITION OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HEALTHY MOTHERS, HEALTHY BABIES COALITION OF HAWAII FOR COSTS RELATING TO INCREASE CAPACITY TO MEET THE GROWING NEEDS OF PREGNANT AND PARENTING FAMILIES ACROSS THE STATE OF HAWAII FOR GENERAL SUPPORT FOR SOCIAL SERVICES (HMS901) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
47. \$200,000.00	HI GOOD SAMARITAN FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HI GOOD SAMARITAN FOUNDATION FOR COSTS RELATED TO REPAIR THE FOUR HOMES THAT ARE USED TO PROVIDE HOMELESS PEOPLE WITH SHELTER FOR OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS (HMS777) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
48. \$210,000.00	HONOLULU BIENNIAL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HONOLULU BIENNIAL FOUNDATION FOR COSTS RELATING TO INCREASE ACCESSIBILITY TO CONTEMPORARY ART AND THE TRIENNIAL FOR STRATEGIC MARKETING AND SUPPORT (BED100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
49. \$100,000.00	HONOLULU THEATRE FOR YOUTH ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HONOLULU THEATRE FOR YOUTH FOR COSTS RELATING TO BUS TRANSPORTATION FOR TITLE 1 SCHOOLS TO ATTEND HTY'S EDUCATIONAL THEATRE PRODUCTIONS STATEWIDE FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
50. \$100,000.00	HO'OLA NA PUA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HO'OALA ² NA PUA FOR COSTS RELATING TO PROVIDE PREVENTION EDUCATION AND AWARENESS TRAINING TO COMMUNITY MEMBERS, INCLUDING STUDENTS IN 5TH – 12TH GRADE AND ADULTS OF ALL AGES FOR SEX AND HUMAN TRAFFICKING FOR GENERAL SUPPORT FOR SOCIAL SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
51. \$400,000.00	HOPE SERVICES HAWAII, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HOPE SERVICES HAWAII, INC. FOR COSTS RELATING TO IMPROVE ACCESS TO MENTAL HEALTH CARE AND SUBSTANCE ABUSE SERVICES ON RURAL HAWAI'I ISLAND, ALIGNED WITH NATIONAL GUIDANCE ON ENDING HOMELESSNESS FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
52. \$500,000.00	IHS, THE INSTITUE FOR HUMAN SERVICES, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, IHS, THE INSTITUTE FOR HUMAN SERVICES, INC. FOR COSTS RELATING TO MAINTAIN 24 HOUR PER DAY, 7 DAY A WEEK EMERGENCY FOOD, SHELTER, HOUSING NAVIGATION, AND SUPPORTIVE SERVICES AVAILABILITY ON OAHU, AND RESINSTUTITE ² TRAUMA INFORMED, CLUTURAL VALUE BASED LIFE SKILLS GROUPS FOR HOMELESS SERVICES (HMS224) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
53. \$240,000.00	IMPACT CHANGE HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, IMPACT CHANGE HAWAII FOR COSTS RELATING TO COVER SALARIES FOR OUR HIGHLY EXPERIENCED AND QUALIFIED STAFF, WHO ARE SOLELY RESPONSIBLE FOR CREATING AND SUCCESSFULLY RUNNING THE PROGRAM FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
54. \$60,000.00	JAPAN-AMERICA SOCIETY OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, JAPAN-AMERICAN SOCIETY OF HAWAII FOR COSTS RELATING TO HIGHLIGHT THE IMPORTANCE OF HAWAII-JAPAN RELATIONSHIPS FOR STRATEGIC MARKETING AND SUPPORT (BED100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
55. \$40,000.00	JAPANESE CULTURAL CENTER OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, JAPANESE CULTURAL CENTER OF HAWAII FOR COSTS RELATING TO CREATE A NETWORK OF YOUNG MINDFUL COMMUNITY LEADERS THAT HAVE A COMMON CULTURAL VALUE SET TO BE SUCCESSFUL COMMUNITY PARTICIPANTS FOR STRATEGIC MARKETING AND SUPPORT (BED100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
56. \$20,000.00	KAALA FARM, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAALA FARM, INC. FOR COSTS RELATING TO A GRANT ADMINISTRATOR POSITION TO SECURE MORE FUNDING FOR FUTURE FIRE MITIGATION PROJECTS ON THE 1,122-ACRE WAI'ANAЕ VALLEY RANCH THAT KFI LEASES FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
57. \$200,000.00	KAHUA PAA MUA, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAHUA PAA MUA, INC. FOR COSTS RELATING TO EDUCATE MIDDLE AND HIGH SCHOOL NATURAL SCIENCE INSTRUCTORS TO GROW FOOD SECURITY FOR SCHOOL-BASED BUDGETING (EDN100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
58. \$75,000.00	KAHULI LEO LE'A ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAHULI LEO LEA, INC. FOR COSTS RELATING TO INCREASE THE ECONOMIC RESILIENCY OF THE CREATIVE INDUSTRY ACROSS THE STATE OF HAWAII FOR CREATIVE INDUSTRIES DIVISION (BED105) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
59. \$100,000.00	KALIHI PALAMA CULTURE AND ARTS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KALIHI-PALAMA CULTURE ARTS, INC. FOR COSTS RELATING TO BRING BACK THE QUEEN LILIUOKALANI KEIKI HULA COMPETITION FOR TOURISM (BED113) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
60. \$100,000.00	KAMP HAWAII, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR KAMP HAWAII, INC. FOR COSTS RELATED TO SUPPORT THE OPERATION OF SIX PROGRAMS INCLUDING CRITICAL STAFFING TO AID IN SMOOTH OPERATION OF THE PROGRAMS FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
61. \$50,000.00	KANU HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KANU HAWAII, INC. FOR COSTS RELATING TO ADVOCATE FOR SUSTAINABILITY THROUGH THE PLEDGE TO OUR KEIKI INITIATIVE FOR IN-COMMUNITY YOUTH PROGRAMS (LBR) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
62. \$200,000.00	KAPIOLANI HEALTH FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAPIOLANI HEALTH FOUNDATION FOR COSTS RELATING TO HELP PATIENTS ACHIEVE A POSITIVE OUTCOME AND RESUME A HIGH QUALITY OF LIFE AFTER HOSPITALIZATION FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
63. \$50,000.00	KAUAI FOOD BANK, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAUAI FOOD BANK FOR COSTS RELATING TO AID THE EXPANSION AND CONTINUED OPERATION OF CURRENT KIFB INITIATIVES FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
64. \$150,000.00	<p>KOKUA KALILHI VALLEY COMPREHENSIVE FAMILY SERVICES ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KOKUA KALIHI VALLEY FOR COSTS RELATING TO SUPPORTING THE CONTINUED SERVICES PROVIDED BY THE ELDER CARE EMERGENCY FOOD PANTRY AND FARM SUPPORT PROGRAM FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
65. \$125,000.00	<p>THE KOREAN AMERICAN FOUNDATION HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR KOREAN AMERICAN FOUNDATION HAWAII, INC. FOR COSTS RELATED TO PROVIDE THE PUBLIC WITH EASILY ACCESSIBLE INFORMATION AND CONTENT THROUGH THE MOST CURRENT METAVERSE FORMS, CREATE AND HOST A DIASPORA FILM FESTIVAL AND ESTABLISH AND STRENGTHEN THE WORKING RELATIONSHIPS THAT WILL SUPPORT THE OTHER COMPONENTS OF THIS REQUEST FOR STRATEGIC MARKETING & SUPPORT (BED100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
66. \$500,000.00	<p>KUAKINI SUPPORT SERVICES, INC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KUAKINI SUPPORT SERVICES, INC. FOR COSTS RELATING TO CONDUCT A FEASIBILITY STUDY TO DO A LARGE-SCALE RENOVATION OF THE CHARLES JUDD MEDICAL CLINIC FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
67. \$150,000.00	<p>KUALOA-HEEIA ECUMENICAL YOUTH PROJECT ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KUALOA-HEEIA ECUMENICAL YOUTH PROJECT FOR COSTS RELATING TO THE HOOPILINA YOUTH PROGRAM, TO EMPOWER YOUTH IN GRADES 6-8 WITH ENDURING SKILLS AND KNOWLEDGE THAT CAN ASSIST IN A SUCCESSFUL TRANSITION THROUGH LIFE FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>

<u>AMOUNT</u>	<u>PROJECT</u>
68. \$20,000.00	LANAI ACADEMY OF PERFORMING ARTS, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LANAI ACADEMY OF PERFORMING ARTS INC. FOR COSTS RELATING TO MAKE PERFORMING ARTS EDUCATION AS ACCESSIBLE AND AFFORDABLE AS POSSIBLE TO ALL LANAI YOUTH FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
69. \$90,000.00	LANAKILA PACIFIC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LANAKILA PACIFIC FOR COSTS RELATING TO HELP LANAKILA MEALS ON WHEELS CAN CONTINUE TO SAFELY MAINTAIN THE TEMPERATURE OF HOT AND COLD MEALS DELIVERED TO FRAIL AND HOMEBOUND SENIORS AND INDIVIDUALS WITH DISABILITIES FOR GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES (HMS903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
70. \$109,000.00	LAUNCHPAD LABS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LAUNCHPAD LABS FOR COSTS RELATING TO WORKFORCE DEVELOPMENT, FOSTERING COLLABORATION WITH BUSINESS LEADERS AND PROVIDING REAL-WORLD WORK OPPORTUNITIES SERVING COMMUNITY NEEDS FOR WORKFORCE DEVELOPMENT (LBR111) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
71. \$188,000.00	LIVABLE HAWAII KAI HUI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LIVABLE HAWAII KAI HUI FOR COSTS RELATING TO PROTECT, CONSERVE AND RESTORE RESOURCES ALONG KAIWI COAST FOR CONSERVATION AND RESOURCES ENFORCEMENT (LNR405) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
72. \$70,000.00	<p>LOKAHI TREATMENT CENTERS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LOKAHI TREATMENT CENTERS FOR COSTS RELATING TO HELP WITH MENTAL HEALTH AND SUBSTANCE ABUSE IN BIG ISLAND ADULTS, ADOLESCENTS, AND CHILDREN WHO ARE HOMELESS OR AT RISK FOR HOMELESSNESS FOR OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS (HMS777) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
73. \$75,000.00	<p>LUNALILO HOME ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LUNALILO HOME FOR COSTS RELATING TO ADDING A PHOTOVOLTAIC SYSTEM AT THE FACILITY FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
74. \$400,000.00	<p>MALAMA HALEAKALA FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MALAMA HALEAKALA FOUNDATION FOR COSTS RELATING TO PROTECT THE WATERSHED AND NEARSHORE OCEAN ENVIRONMENT WITH FERAL UNGULATE FENCING ON LEEWARD HALEAKALA FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
75. \$275,000.00	<p>MALAMA HULEIA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MALAMA HULEIA FOR COSTS RELATING TO RESTORE THE WALL OF THE ALAKOKO FISHPOND FOR NATIVE RESOURCES AND FIRE PROTECTION PROGRAM (LNR402) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
76. \$100,000.00	<p>MALAMA MAUNALUA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MALAMA MAUNALUA FOR COSTS RELATING TO SUPPORTING CORAL RESTORATION INITIATIVES FOR NATIVE RESOURCES AND FIRE PROTECTION PROGRAM (LNR402) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>

<u>AMOUNT</u>	<u>PROJECT</u>
77. \$400,000.00	MAUI ECONOMIC DEVELOPMENT BOARD, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MAUI ECONOMIC DEVELOPMENT BOARD, INC. FOR COSTS RELATING TO LEAD PROGRESSIVE AND EQUITY-BASED STEM EDUCATION IN HAWAII FOR STATE ADMINISTRATION (EDN300) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
78. \$150,000.00	MAUI HUMANE SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR MAUI HUMANE SOCIETY FOR COSTS RELATED TO MAUI HUMANE SOCIETY TO IMPROVE ACCESS TO VETERINARY CARE FOR PET OWNERS WHO FACE BARRIERS TO CARE DUE TO FINANCIAL, LANGUAGE, CULTURAL, OR DISTANCE CHALLENGES FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
79. \$200,000.00	MOANALUA GARDENS FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR MOANALUA GARDENS FOUNDATION FOR COSTS RELATING TO EDUCATE AND INSPIRE FUTURE GENERATIONS OF ENVIRONMENTAL STEWARDS THROUGH THE KAMANANUI VALLEY AINA-BASED EDUCATION PROGRAM FOR NATIVE RESOURCES AND FIRE PROTECTION PROGRAM (LNR402) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
80. \$400,000.00	MOILILI COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MOLILI ² COMMUNITY CENTER FOR COSTS RELATING TO PROVIDE PROGRAMS TO KEEP CHILDREN AND SENIORS ACTIVE FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
81. \$250,000.00	<p>NA KAMA KAI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NA KAMA KAI FOR COSTS RELATING TO REDUCE DROWNINGS ACROSS THE STATE BY INCREASING OCEAN SAFETY AWARENESS AMONG OUR TEACHERS AND THE NEXT GENERATION OF KEIKI THROUGH AN OCEAN SAFETY TEACHER PROFESSIONAL DEVELOPMENT COURSE FOR OCEAN-BASED RECREATION (LNR801) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
82. \$125,000.00	<p>NAMAHANA EDUCATION FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NAMAHANA EDUCATION FOUNDATION FOR COSTS RELATING TO HELP DEVELOP THE FIRST TUITION-FREE PUBLIC CHARTER MIDDLE AND HIGH SCHOOL ON THE NORTH SHORE OF KAUA'I: NAMAHANA SCHOOL FOR CHARTER SCHOOLS COMMISSION AND ADMINISTRATION (EDN612) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
83. \$100,000.00	<p>NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT CORPORATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT CORPORATION FOR COSTS RELATING TO CARRY OUR² OUT AFFORDABLE HOUSING PROJECTS AND PROGRAMS ON KAUAI FOR OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS (HMS777) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
84. \$20,000.00	<p>NISEI VETERANS LEGACY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NISEI VETERANS LEGACY CENTER FOR COSTS RELATING TO PRESERVE AND PROMULGATE THE STORY OF THE NISEI SOLDIERS OF WORLD WAR II FOR SERVICES TO VETERANS (DEF112) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>

<u>AMOUNT</u>	<u>PROJECT</u>
85. \$20,000.00	OAHU CHORAL SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OAHU CHORAL SOCIETY FOR COSTS RELATING TO PRESENTING CHORAL MASTENIVORKS IN 2023-2024 FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
86. \$250,000.00	OAHU SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OAHU SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR SUPPLIES AND EQUIPMENT TO INCREASE ACCESS TO LAW-COST ² VETERINARY CARE, STERILIZATION SERVICES, AND TO INCREASE SHELTER CAPACITY FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
87. \$200,000.00	OCEANIT RESEARCH FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OCEANIT RESEARCH FOUNDATION FOR COSTS RELATING TO EMPOWER OUR YOUTH WITH KNOWLEDGE AND TOOLS TO UNDERSTAND AND ADAPT TO CLIMATE CHANGE IMPACTS IN OUR COASTAL COMMUNITIES FOR HAWAII TECHNOLOGY DEVELOPMENT CORPORATION (BED143) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
88. \$350,000.00	OHANA PACIFIC FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OHANA PACIFIC FOUNDATION FOR COSTS RELATING TO BUILD CAPACITY TO IMPROVE THE COLLABORATION AND IMPACT OF HEALTHCARE WORKFORCE DEVELOPMENT EFFORTS IN KAUA'I COUNTY FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
89. \$175,000.00	PACIFIC & ASIAN AFFAIRS COUNCIL ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC & ASIAN AFFAIRS COUNCIL FOR COSTS RELATING TO GLOBAL LEARNING FOR STUDENTS INVOLVED IN THE HIGH SCHOOL GLOBAL EDUCATION PROGRAM FOR STRATEGIC MARKETING AND SUP- PORT (BED100) AND ALL EXPENSES RELAT- ED TO THEIR APPLICATION OF FUNDS; AND
90. \$75,000.00	PACIFIC CANCER FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC CANCER FOUNDATION FOR COSTS RELATING TO TEMPORARY HOUSING AND A MEAL PROGRAM FOR CANCER PATIENTS FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
91. \$250,000.00	PACIFIC GATEWAY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR PACIFIC GATEWAY CENTER FOR COSTS RELATING TO COMPENSATE FOR LOST REVENUE DUE TO THE RENOVATION OF REVENUE PRODUCING INCUBATORS FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) AND ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
92. \$50,000.00	PACIFIC HEALTH MINISTRY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC HEALTH MINISTRY FOR COSTS RELATING TO PROVIDE INTERFAITH SPIRITUAL CARE TO ANY WHO ARE EX- PERIENCING CRISIS, EMERGENCIES, AND/ OR END-OF-LIFE FOR GENERAL ADMIN- ISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
93. \$90,000.00	PACIFIC SURVIVOR CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC SURVIVOR CENTER FOR COSTS RELATING TO PROVIDE CARE TO TRAFFICKING AND DOMESTIC VIOLENCE VICTIMS FOR GENERAL SUPPORT FOR SOCIAL SERVICES (HMS901) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
94. \$300,000.00	PAEPAE O HE'EIA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PAEPAE O HEELA ² FOR COSTS RELATING TO DELIVER HIGH-QUALITY ECO-CULTURAL EDUCATIONAL PROGRAMMING IN HE'EIA FOR ECOSYSTEM PROTECTION AND RESTORATION (LNR401) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
95. \$205,000.00	PARENTS AND CHILDREN TOGETHER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PARENTS AND CHILDREN TOGETHER FOR COSTS RELATING TO PROVIDE DOMESTIC VIOLENCE SURVIVORS AND THEIR CHILDREN FLEEING ABUSE WITH TRANSITIONAL SHELTER TO STABILIZE FROM THE CRISIS FOR ADULT PROTECTIVE AND COMMUNITY SERVICES (HMS601) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
96. \$200,000.00	PEARL HARBOR AVIATION MUSEUM ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR PEARL HARBOR AVIATION MUSEUM FOR COSTS RELATING TO PROVIDE THE UPFRONT INVESTMENT NEEDED TO LAUNCH ITS "DISCOVER YOUR FUTURE IN AVIATION" EDUCATION INITIATIVE, A PROGRAM DESIGNED TO PROVIDE STUDENTS IN HAWAII GREATER ACCESS TO TARGETED AVIATION AND AEROSPACE LEARNING AND TRAINING EXPERIENCES THAT LEAD TO FUTURE EMPLOYMENT OPPORTUNITIES IN THESE LUCRATIVE FIELDS. HAWAII HAS A GROWING AVIATION AND AEROSPACE INDUSTRY PROJECTING AN INABILITY TO FILL THEIR EMPLOYEE NEEDS FOR STRATEGIC MARKETING AND SUPPORT (BED100) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

ACT 164

<u>AMOUNT</u>	<u>PROJECT</u>
97. \$89,000.00	PEOPLE FOR ACTIVE TRANSPORTATION HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PEOPLE FOR ACTIVE TRANSPORTATION HAWAII FOR COSTS RELATING TO PURCHASING A VAN, TRAILER, AND HELMETS FOR A BICYCLE EDUCATION PROGRAM FOR ELEMENTARY SCHOOL STUDENTS FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
98. \$75,000.00	PETFIX SPAY AND NEUTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PETFIX SPAY AND NEUTER FOR COSTS RELATING TO SPAYING AND NEUTERING ANIMALS FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
99. \$100,000.00	POHAKU PELEMAKA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, POHAKU PELEMAKA FOR COSTS RELATING TO PROVIDE RELIEF AND RECOVERY TO THE PUNA COMMUNITY FOR NATURAL AREA RESERVES AND WATERSHED MANAGEMENT (LNR407) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
100. \$200,000.00	POLYNESIAN VOYAGING SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, POLYNESIAN VOYAGING SOCIETY FOR COSTS RELATING TO HELP ENSURE SUCCESS OF THE MOANANUIĀKEA VOYAGE FOR TOURISM (BED113) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
101. \$400,000.00	PROJECT VISION HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PROJECT VISION HAWAII FOR COSTS RELATING TO INCREASE ACCESS TO HYGIENE AND MEDICAL CARE FOR HOMELESS AND HOUSELESS INDIVIDUALS THROUGH STREET-LEVEL OUTREACH FOR RENTAL HOUSING SERVICES (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
102. \$200,000.00	<p>READ TO ME INTERNATIONAL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR READ TO ME INTERNATIONAL FOUNDATION FOR COSTS RELATING TO CONDUCTING PARENT COACHING PROGRAM SESSIONS AND PROFESSIONAL LEARNING EVENTS, A PRISON LITERACY PROGRAM TO BENEFIT CHILDREN OF INCARCERATED PARENTS, A NATIONAL-QUALITY CONFERENCE, AT LEAST 15 WORKSHOPS, AND AT LEAST 15 COLLABORATION MEETINGS WITH OTHER AGENCIES TO CREATE SOLUTIONS TO ADDRESS EARLY CHILDHOOD LEARNING AND FAMILY ATTACHMENT NEEDS FOR INSTRUCTIONAL SUPPORT (EDN200) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
103. \$300,000.00	<p>RESIDENTIAL YOUTH SERVICES & EMPOWERMENT ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, RESIDENTIAL YOUTH SERVICES AND EMPOWERMENT FOR COSTS RELATING TO HELPING AGED YOUTH WITH A SOBER TRANSITION OF LIFESTYLE FOR HOMELESS FOR RENTAL HOUSING SERVICES (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
104. \$235,000.00	<p>THE FILIPINO COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, THE FILIPINO COMMUNITY CENTER FOR COSTS OF SUPPLIES AND MATERIALS RELATING TO PROGRAMS AND EVENTS THAT PERPETUATE FILIPINO CULTURE AND HISTORY FOR OFFICE OF COMMUNITY SERVICE (LBR903); AND</p>
105. \$166,000.00	<p>THE QUEEN'S MEDICAL CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE QUEEN'S MEDICAL CENTER, THE QUEEN'S HEART INSTITUTE FOR COSTS RELATING TO HIRE TWO PATIENT COMMUNITY NAVIGATORS, FOCUSED ON SUPPORTING PATIENTS WITH METHAMPHETAMINE INDUCED HEART FAILURE WITH PRIORITY FOR PATIENTS OF NATIVE HAWAIIAN DESCENT, LIVING WITHIN THE WEST OAHU REGION, AND HIGH UTILIZERS OF EMERGENCY AND INPATIENT MEDICAL CARE FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>

<u>AMOUNT</u>	<u>PROJECT</u>
106. \$500,000.00	<p>THE REHABILITATION HOSPITAL OF THE PACIFIC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE REHABILITATION HOSPITAL OF THE PACIFIC FOR COSTS RELATING TO SUPPORT REHAB UNDER/UNCOMPENSATED CARE COSTS, WHICH ENSURE ALL PATIENTS HAVE ACCESS TO OUR FULL CONTINUUM OF REHABILITATION SERVICES REGARDLESS OF ABILITY TO PAY, EVEN WHEN THE COSTS OF PROVIDING PATIENT-CENTERED CARE EXCEEDS HEALTHCARE REIMBURSEMENTS FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
107. \$250,000.00	<p>THE UNITED KOREAN ASSOCIATION OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE UNITED KOREAN ASSOCIATION OF HAWAII FOR COSTS RELATING TO OPERATING COSTS OF TUKAH'S COMMUNITY PROGRAMS AND SERVICES OFFERED AT BUILDING 42 IN MAKIKI DISTRICT PARK FOR OFFICE OF COMMUNITY SERVICES (LBR903) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
108. \$500,000.00	<p>THE WAHIAWA CENTER FOR COMMUNITY HEALTH ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, THE WAHIAWA CENTER FOR COMMUNITY HEALTH FOR COSTS RELATING TO OPTIMIZING AGING FOR OLDER ADULTS BY PROMOTING HEALTH AND QUALITY OF LIFE FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>
109. \$40,000.00	<p>ULU A'E LEARNING CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, ULU AE LEARNING CENTER FOR COSTS RELATING TO OUT-OF-SCHOOL LEARNING OPPORTUNITIES FOR STUDENTS AGED 5-18 FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</p>

<u>AMOUNT</u>	<u>PROJECT</u>
110. \$25,000.00	VFW POST 8616 - DIAMOND HEAD ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, VFW POST 8616 DIAMOND HEAD FOR COSTS RELATING TO HELP VETERANS WITH SUICIDE AND MENTAL HEALTH FOR SERVICES TO VETERANS (DEF112) AND ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND
111. \$1,000,000.00	WAIANAЕ DISTRICT COMPREHENSIVE HEALTH AND HOSPITAL BOARD ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, WAIANAЕ DISTRICT COMPREHENSIVE HEALTH AND HOSPITAL BOARD FOR COSTS RELATING TO SUBSIDIZE LOST PROFITS TO CONTINUE TO PROVIDE FULL EMERGENCY MEDICAL SERVICES TO THE COMMUNITY FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
112. \$50,000.00	WAIKIKI COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, WAIKIKI COMMUNITY CENTER FOR COSTS RELATING TO CASE MANAGEMENT FOR KUPUNA IN CRITICAL SITUATIONS FOR GENERAL ADMINISTRATION (HTH907) AND ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND
113. \$300,000.00	WEED AND SEED HAWAII INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, WEED AND SEED HAWAII, INC. FOR COSTS RELATING TO REDUCE AND PREVENT CRIME FOR OFFICE OF COMMUNITY SER- VICES (LBR903) AND ALL EXPENSES RELAT- ED TO THEIR APPLICATION OF FUNDS; AND
114. \$225,000.00	YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF OAHU ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF OAHU FOR COSTS RELATING TO SUP- PORTING THE DRESS FOR SUCCESS PRO- GRAM FOR WORKFORCE DEVELOPMENT (LBR111) AND ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS.

PART V. CAPITAL IMPROVEMENT PROJECTS

SECTION 7. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The sums 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 the projects are listed in this section. Several related or similar projects may be combined into a single project if the 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 2023-2024	FISCAL YEAR 2024-2025

A. ECONOMIC DEVELOPMENT

BED107 - FOREIGN TRADE ZONE

- 1. FTZ ELECTRICAL UPGRADE AND GROUNDING, OAHU
 DESIGN, CONSTRUCTION AND EQUIPMENT TO UPGRADE UNGROUNDED ELECTRICAL SYSTEM AT FTZ MAKAI PIER 2 FACILITY.
 TOTAL FUNDING BED 2,500 C C

AGR131 - RABIES QUARANTINE

- 2. HALAWA ANIMAL QUARANTINE STATION RE-ROOF, OAHU
 DESIGN AND CONSTRUCTION FOR THE RE-ROOFING OF THE ANIMAL QUARANTINE STATION IN HALAWA, OAHU.
 TOTAL FUNDING AGS 400 A A

LNR172 - FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT

- 3. KONA STORM KULA FOREST TRAIL REPAIR, MAUI
 CONSTRUCTION FOR REPAIRING MAJOR TRAIL WASHOUTS AT GULCH CROSSINGS.
 TOTAL FUNDING LNR 400 A A
- 4. MAUNAWILI ACQUISITION, OAHU
 PLANS AND LAND ACQUISITION FOR LAND IN MAUNAWILI, OAHU TO PROTECT AND RESTORE IMPORTANT CULTURAL, AGRICULTURAL, RECREATIONAL, AND FOREST RESOURCES, AND TO ESTABLISH A NONEXCLUSIVE COMMUNITY PUBLIC ACCESS EASEMENT.
 TOTAL FUNDING LNR 7,000 A A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
AGR141 - AGRICULTURAL RESOURCE MANAGEMENT					
5.		STATE IRRIGATION SYSTEM RESERVOIR SAFETY IMPROVEMENTS, STATEWIDE			
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE STATE IRRIGATION SYSTEM RESERVOIR SAFETY IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	AGR	9,700 C	C
			AGR	3,000 N	N
6.		KOHALA DITCH SYSTEM, HAWAII			
		DESIGN AND CONSTRUCTION FOR REPAIRS TO RESTORE AND REACTIVATE THE KOHALA DITCH SYSTEM TO INCREASE THE AVAILABILITY OF WATER FOR AGRICULTURAL AND AQUACULTURAL PURPOSES; THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. 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	AGR	10,000 A	A
7.		MOLOKAI IRRIGATION SYSTEM IMPROVEMENTS, MOLOKAI			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE MOLOKAI IRRIGATION SYSTEM, WAIKOLU VALLEY, MOLOKAI.			
		TOTAL FUNDING	AGR	2,000 C	C
AGR192 - GENERAL ADMINISTRATION FOR AGRICULTURE					
8.		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	1,000 A	A
BED170 - AGRIBUSINESS DEVELOPMENT AND RESEARCH					
9.		AAHOAKA RESERVOIR IMPROVEMENTS, KAUAI			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE UPPER AND LOWER AAHOAKA RESERVOIRS.			
		TOTAL FUNDING	BED	1,100 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
10.		SLAUGHTERHOUSE FACILITY, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR ANIMAL SLAUGHTERHOUSE FACILITY TO MEET THE GROWING DEMAND FOR LOCAL GROWN MEAT; GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES. 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.		A	4,000 A
BED146 - NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY					
11.		COMPREHENSIVE EIS FOR OFFSHORE OCEAN ECONOMY TEST BED DEMONSTRATION PROJECTS, HAWAII PLANS FOR COMPREHENSIVE EIS FOR OFFSHORE OCEAN RESEARCH CORRIDOR AT HOST PARK TO EXPAND OPPORTUNITIES FOR TESTING INNOVATIVE CONSERVATION, ENERGY, OFFSHORE AQUACULTURE, AND OCEAN MONITORING CONCEPTS.		1,500 C	C
12.		IMPROVEMENTS AND UPGRADES TO SEAWATER SYSTEM AT THE HAWAII OCEAN SCIENCE AND TECHNOLOGY PARK (HOST PARK), HAWAII DESIGN, CONSTRUCTION AND EQUIPMENT FOR AN UPGRADE TO THE INTERNAL ELECTRICAL GRID, PUMPS, ASSOCIATED PIPELINES AND ELECTRICAL HARDWARE INCLUDING EQUIPMENT CONTROL AND MONITORING SOFTWARE WHICH PROVIDES SURFACE AND DEEP-SEA WATER THROUGHOUT THE HAWAII OCEAN SCIENCE AND TECHNOLOGY PARK (HOST PARK) LOCATED IN KAILUA KONA, HAWAII.		1,900 D	D
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.	LNR	2,000 A	2,000 A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
14.		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.	LNR	1,500 C	C
BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY					
15.		CENTRAL KAKAAKO STREET IMPROVEMENTS, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR STREET IMPROVEMENTS IN KAKAAKO, OAHU; EQUIPMENT AND APPURTENANCES. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE CITY AND COUNTY OF HONOLULU CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.	TOTAL FUNDING BED	4,500 C	C
			TOTAL FUNDING BED	4,500 S	S
16.		HEEIA STREAM ACCESS ROAD, HEEIA, OAHU CONSTRUCTION FOR GRAVEL ROAD ON HEEIA COMMUNITY DEVELOPMENT DISTRICT, ACCESS FROM THE SOUTHERN PORTION OF THE DISTRICT NEAR ALALOA STREET BRIDGE AND OTHER WORK BENEATH BRIDGE; REMEDIATION OF DEBRIS, NON-NATIVE VEGETATION, AND OTHER DELETERIOUS MATERIALS BY REMOVAL TO MITIGATE FLOODING AND EROSION AS WELL AS FACILITATE HABITAT RESTORATION AND MANAGEMENT OF NATIVE SYSTEM.	TOTAL FUNDING BED	A	1,000 A
BED160 - HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION					
17.		PRESCHOOL EARLY EDUCATION, TEACHER HOUSING AND AFFORDABLE WORKFORCE DEVELOPMENT INITIATIVE, KIHAI, MAUI PLANS, LAND ACQUISITION, DESIGN AND CONSTRUCTION FOR REPURPOSING EXISTING FACILITY FOR PUBLIC PREKINDERGARTEN CLASSROOMS, DEDICATED TEACHER HOUSING AND AFFORDABLE WORKFORCE HOUSING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	TOTAL FUNDING BED	45,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

B. EMPLOYMENT

LBR903 - OFFICE OF COMMUNITY SERVICES

1.		442ND LEGACY CENTER CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF MUSEUM BUILDING. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		300	C
		TOTAL FUNDING	LBR		
2.		ALEXANDER & BALDWIN SUGAR MUSEUM CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE OF MUSEUM BUILDING, INCLUDING PUBLIC RESTROOM AND AIR CONDITIONING UPGRADES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		150	C
		TOTAL FUNDING	LBR		
3.		ALOHA HOUSE, INC. CONSTRUCTION FOR NEW DORMITORY BUILDING. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		250	C
		TOTAL FUNDING	LBR		
4.		ALTERNATIVE STRUCTURES INTERNATIONAL LAND ACQUISITION AND CONSTRUCTION FOR HOUSING FOR LOW INCOME FAMILIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200	C
		TOTAL FUNDING	LBR		
5.		ARC OF MAUI COUNTY CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF MANA OLA NA KEANUENUE, HALE KIHAI, AND HALE KANALOA RESIDENTIAL GROUP HOMES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		345	C
		TOTAL FUNDING	LBR		
6.		BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL CONSTRUCTION AND EQUIPMENT FOR A NEW OUTDOOR RECEIVING AND STORAGE BUILDING AT HONALO MARSHALLING YARD FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200	C
		TOTAL FUNDING	LBR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
7.		BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL			
		CONSTRUCTION AND EQUIPMENT TO EXPAND CHILL STORAGE AND TRANSPORT CAPACITY AT ALAE POSTHARVEST FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	150 C	C
8.		BLOOD BANK OF HAWAII			
		CONSTRUCTION AND EQUIPMENT FOR CONSTRUCTION OF NEW FDA BIOSAFE LEVEL 2 FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	550 C	C
9.		BOY SCOUTS OF AMERICA, ALOHA COUNCIL			
		CONSTRUCTION FOR OUTDOOR CAMPING FACILITY IMPROVEMENTS AT CAMP ALAN FAYE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	250 C	C
10.		BOYS AND GIRLS CLUB OF THE BIG ISLAND			
		CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF YOUTH RESOURCE CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	450 C	C
11.		CASTLE MEDICAL CENTER			
		CONSTRUCTION AND EQUIPMENT FOR EXPANSION OF MEDICAL ONCOLOGY CLINIC. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	300 C	C
12.		DAIHONZAN CHOZEN-JI			
		CONSTRUCTION AND EQUIPMENT FOR NEW HOUSING AND ACCOMMODATIONS AT 3570 KALIHI STREET, OAHU. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	45 C	C
13.		DIAMOND HEAD THEATRE			
		PLANS AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO THE DIAMOND HEAD THEATRE ARTS CENTER COMPLEX. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
14.		DOMESTIC VIOLENCE ACTION CENTER EQUIPMENT FOR INSTALLATION OF A MODERN SECURITY SYSTEM AND IMPROVED DESIGN OF AN AGENCY-WIDE DATABASE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		50C	C
		TOTAL FUNDING	LBR		
15.		DOWNTOWN ART CENTER CONSTRUCTION FOR CONSTRUCTION OF MUSEUM SPACES AT THE CHINATOWN GATEWAY PLAZA. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		250C	C
		TOTAL FUNDING	LBR		
16.		EAST HAWAII CULTURAL COUNCIL PLANS AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF THE EAST HAWAII CULTURAL CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100C	C
		TOTAL FUNDING	LBR		
17.		'ELEPAIO SOCIAL SERVICES LAND ACQUISITION AND CONSTRUCTION FOR EMERGENCY FOOD WAREHOUSE AND MEDICAL RESPITE HOUSING PROGRAM AT THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		400C	C
		TOTAL FUNDING	LBR		
18.		FAMILY PROMISE OF HAWAII LAND ACQUISITION FOR OHANA NAVIGATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		300C	C
		TOTAL FUNDING	LBR		
19.		FRIENDS OF WAIPAHU CULTURAL GARDEN PARK CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE OF HAWAII'S PLANTATION VILLAGE MUSEUM. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		300C	C
		TOTAL FUNDING	LBR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
20.		GREGORY HOUSE PROGRAMS PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF COMMUNITY RESIDENTIAL PROGRAM FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	300 C	C
21.		HABITAT FOR HUMANITY HAWAII ISLAND, INC. CONSTRUCTION FOR CONSTRUCTION OF AFFORDABLE HOUSING UNITS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	350 C	C
22.		HALE PUNA CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF GULICK-ROWELL HOUSE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	400 C	C
23.		HAMAKUA HEALTH CENTER, INC. CONSTRUCTION FOR CONSTRUCTION OF NEW FACILITY AT KOHALA HEALTH AND WELLNESS CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	300 C	C
24.		HAMAKUA YOUTH FOUNDATION CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF HAMAKUA YOUTH & COMMUNITY CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	310 C	C
25.		HANA HEALTH CONSTRUCTION FOR CONSTRUCTION OF WORKFORCE HOUSING FOR HEALTHCARE PROFESSIONALS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
26.		HAWAII AGRICULTURAL FOUNDATION EQUIPMENT FOR CONTROLLED ENVIRONMENT AGRICULTURE CONTAINERIZED VERTICAL GROWING SYSTEMS AND OTHER RELATED COSTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		320 C	C
27.		HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE OF MAIN OFFICE BUILDING. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		150 C	C
28.		HAWAII ISLAND HIV/AIDS FOUNDATION DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF OFFICE SPACES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		130 C	C
29.		HAWAII ISLAND PORTUGUESE CHAMBER OF COMMERCE CULTURAL AND EDUCATIONAL CENTER CONSTRUCTION FOR CONSTRUCTION OF CULTURAL AND EDUCATIONAL FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200 C	C
30.		HAWAII ISLAND VETERANS MEMORIAL INC. PLANS, DESIGN, AND CONSTRUCTION FOR WATER LINE AND FIRE HYDRANT IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		90 C	C
31.		HAWAII SOFTBALL FOUNDATION EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE TO SOFTBALL FIELD AT SAND ISLAND. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
32.		HAWAII THEATRE CENTER CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF BUILDING EXTERIOR. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		250	C
		TOTAL FUNDING	LBR		
33.		HAWAII UNITED OKINAWA ASSOCIATION CONSTRUCTION AND EQUIPMENT FOR UPGRADES AND IMPROVEMENTS TO THE HAWAII OKINAWA CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		260	C
		TOTAL FUNDING	LBR		
34.		HOSPICE OF HILO PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF HEADQUARTER ADMINISTRATIVE OFFICES, INCLUDING PARKING LOT IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200	C
		TOTAL FUNDING	LBR		
35.		IHS, THE INSTITUTE OF HUMAN SERVICES, INC. CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO THE KAAAAHI EMERGENCY SHELTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		500	C
		TOTAL FUNDING	LBR		
36.		IMUA FAMILY SERVICES CONSTRUCTION FOR CONSTRUCTION OF ADA ACCESSIBLE PUBLIC RESTROOMS AT IMUA DISCOVERY GARDEN. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		450	C
		TOTAL FUNDING	LBR		
37.		INNOVATIONS PUBLIC CHARTER SCHOOL FOUNDATION EQUIPMENT FOR PURCHASE OF VEHICLES FOR INNOVATIONS PUBLIC CHARTER SCHOOL FOUNDATION. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100	C
		TOTAL FUNDING	LBR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
38.		ISLAND OF HAWAII YMCA PLANS, LAND ACQUISITION, AND CONSTRUCTION FOR ADJOINING PROPERTY AT 1320 KAPIOLANI STREET, HAWAII; GROUND AND SITE IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		600 C	C
		TOTAL FUNDING	LBR		
39.		J. WALTER CAMERON CENTER DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF FACILITY; GROUND AND SITE IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		700 C	C
		TOTAL FUNDING	LBR		
40.		JAPANESE CULTURAL CENTER OF KONA PLANS AND LAND ACQUISITION TO BUILD NEW CULTURAL CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		50 C	C
		TOTAL FUNDING	LBR		
41.		KAUAI HABITAT FOR HUMANITY, INC. CONSTRUCTION AND EQUIPMENT FOR PHOTOVOLTAIC SYSTEMS FOR AFFORDABLE HOUSING UNITS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		225 C	C
		TOTAL FUNDING	LBR		
42.		KIMOKEO FOUNDATION PLANS FOR KE ALA KUPUNA HAWAIIAN CULTURAL EDUCATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		50 C	C
		TOTAL FUNDING	LBR		
43.		KLINE-WELSH BEHAVIORAL HEALTH FOUNDATION (2) PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CONSTRUCTION OF COMMERCIAL KITCHEN AT 524 KAAHI STREET, OAHU. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		250 C	C
		TOTAL FUNDING	LBR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
44.		KOKUA KALIHI VALLEY (COMPREHENSIVE FAMILY SERVICES) PLANS, DESIGN, AND CONSTRUCTION FOR FEASIBILITY STUDY AND RENOVATION OF JUDD MEDICAL CLINIC FLOORS AND EXAMINATION ROOMS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100	C
		TOTAL FUNDING	LBR		C
45.		KO'OLAULOA HEALTH CENTER DESIGN AND CONSTRUCTION FOR RENOVATION OF KOOLAULOA REGION HEALTH CENTER AND CLINICAL SITES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		500	C
		TOTAL FUNDING	LBR		C
46.		KUALOA-HEEIA ECUMENICAL YOUTH PROJECT DESIGN AND CONSTRUCTION FOR REPAIR AND REPLACEMENT OF COMMUNITY CENTER ROOF AND SUPPORTING STRUCTURES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		175	C
		TOTAL FUNDING	LBR		C
47.		LANA'I COMMUNITY HEALTH CENTER PLANS, DESIGN, AND CONSTRUCTION FOR EXPANSION OF HEALTH CARE FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		400	C
		TOTAL FUNDING	LBR		C
48.		MANOA HERITAGE CENTER DESIGN, CONSTRUCTION, AND EQUIPMENT FOR UPGRADES TO AND RENOVATION OF KUALII ESTATE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		300	C
		TOTAL FUNDING	LBR		C
49.		MAUI ACADEMY OF PERFORMING ARTS EQUIPMENT FOR CONSTRUCTION OF BLACK BOX THEATRE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		400	C
		TOTAL FUNDING	LBR		C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
50.		MAUI ARTS & CULTURAL CENTER CONSTRUCTION FOR CONSTRUCTION OF COMMUNITY STAGE SUPPORT SPACES AND DRESSING ROOMS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	600 C	C
51.		MAUI FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION CONSTRUCTION FOR CONSTRUCTION OF MULTIPURPOSE OUTDOOR PAVILION. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	200 C	C
52.		MEN OF PAA EQUIPMENT FOR PURCHASE OF VEHICLES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	75 C	C
53.		NATIONAL GUARD CONFERENCE CORPORATION OF HAWAII, INC. DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ADA COMPLIANCE UPGRADES TO PUBLIC MEETING FACILITIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	30 C	C
54.		NATIONAL TROPICAL BOTANICAL GARDEN CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF FISHING COTTAGE AT KAHANU GARDEN. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	50 C	C
55.		NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT CORPORATION CONSTRUCTION FOR CONSTRUCTION OF RESIDENTIAL FACILITIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	200 C	C
56.		ORCHIDLAND NEIGHBORS DESIGN AND CONSTRUCTION FOR A MULTIPURPOSE COMMUNITY COMPLEX IN ORCHIDLAND ESTATES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	200 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
57.		PALI MOMI FOUNDATION EQUIPMENT TO UPGRADE AND IMPROVE EMERGENCY DEPARTMENT RADIOGRAPHY SYSTEMS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100	C
		TOTAL FUNDING	LBR		C
58.		RYUGEN TAIKO LAND ACQUISITION FOR PERFORMING ARTS CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		500	C
		TOTAL FUNDING	LBR		C
59.		SPECIAL EDUCATION CENTER OF HAWAII DESIGN, CONSTRUCTION, AND EQUIPMENT TO UPGRADE AND RENOVATE THE SPECIAL EDUCATION CENTER OF HAWAII. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100	C
		TOTAL FUNDING	LBR		C
60.		SPECIAL OLYMPICS HAWAII, INC. CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE OF SPORTS AND WELLNESS CENTER FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		300	C
		TOTAL FUNDING	LBR		C
61.		ST. FRANCIS HEALTHCARE FOUNDATION OF HAWAII DESIGN AND EQUIPMENT FOR UPGRADES TO TECHNOLOGY SYSTEMS AND TRANSPORTATION CAPACITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		300	C
		TOTAL FUNDING	LBR		C
62.		STRAUB FOUNDATION DESIGN, CONSTRUCTION, AND EQUIPMENT FOR UPGRADES AND IMPROVEMENTS TO THE EMERGENCY DEPARTMENT AND RADIOLOGY SYSTEMS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100	C
		TOTAL FUNDING	LBR		C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
63.		SUSANNAH WESLEY COMMUNITY CENTER PLANS AND DESIGN FOR UPGRADES AND IMPROVEMENTS TO SUSANNAH WESLEY COMMUNITY CENTER FACILITY IN KALIHI. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100 C	C
		TOTAL FUNDING	LBR		
64.		THE ALCOHOLIC REHABILITATION SERVICES OF HAWAII, INC. DESIGN AND CONSTRUCTION FOR UPGRADES AND REPAIRS TO RESIDENTIAL TREATMENT FACILITIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200 C	C
		TOTAL FUNDING	LBR		
65.		THE FILIPINO COMMUNITY CENTER, INC. PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF COURTYARD AND PARKING LOT AT COMMUNITY CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		400 C	C
		TOTAL FUNDING	LBR		
66.		THE FRIENDS OF THE PALACE THEATER DESIGN, CONSTRUCTION, AND EQUIPMENT FOR PHOTOVOLTAIC SYSTEM. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100 C	C
		TOTAL FUNDING	LBR		
67.		THE KAUAI FOOD BANK, INC. DESIGN AND CONSTRUCTION FOR SEPTIC REPLACEMENT. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		165 C	C
		TOTAL FUNDING	LBR		
68.		THE RECRUITERS - MUSIC DEVELOPMENT DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A MUSIC DEVELOPMENT CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		400 C	C
		TOTAL FUNDING	LBR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
69.		WAIANAE DISTRICT COMPREHENSIVE HEALTH AND HOSPITAL BOARD, INCORPORATED DESIGN, CONSTRUCTION, AND EQUIPMENT TO RENOVATE THE WAIANAE COAST COMPREHENSIVE MEDICAL CENTER RESIDENT CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		100	C
		TOTAL FUNDING	LBR		C
70.		WAIKIKI COMMUNITY CENTER DESIGN, CONSTRUCTION, AND EQUIPMENT FOR COMMERCIAL KITCHEN AT WAIKIKI COMMUNITY CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		350	C
		TOTAL FUNDING	LBR		C
71.		WAIOHULI HAWAIIAN HOMESTEADERS ASSOCIATION, INC. PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR PHOTOVOLTAIC SYSTEM. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		500	C
		TOTAL FUNDING	LBR		C
72.		WEST HAWAII COMMUNITY HEALTH CENTER, INC. PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CONSTRUCTION OF NEW HEALTH CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		400	C
		TOTAL FUNDING	LBR		C
73.		WILCOX HEALTH FOUNDATION EQUIPMENT FOR NUCLEAR MEDICINE CAMERA AT WILCOX MEDICAL CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		350	C
		TOTAL FUNDING	LBR		C
74.		YWCA OF HAWAII ISLAND DESIGN AND CONSTRUCTION FOR A NEW PRESCHOOL FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		330	C
		TOTAL FUNDING	LBR		C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F

HMS802 - VOCATIONAL REHABILITATION

75.		HOOPONO BUILDINGS A & B IMPROVEMENTS, OAHU				
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS OF HOOPONO BUILDINGS A AND B, INCLUDING ENCLOSURE OF MECHANICAL AREA, RETRO-COMMISSIONING/MODERNIZATION OF SYSTEMS AND FIXTURES, AND PAINTING OF BUILDINGS' EXTERIORS.				
		TOTAL FUNDING	AGS	495 A		A

C. TRANSPORTATION FACILITIES

TRN102 - DANIEL K. INOUE INTERNATIONAL AIRPORT

1.		DANIEL K. INOUE INTERNATIONAL AIRPORT, AIRPORT IMPROVEMENTS, OAHU				
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
		TOTAL FUNDING	TRN	175,250 E		41,260 E
			TRN	1 N		1 N

TRN104 - GENERAL AVIATION

2.		KALAELOA AIRPORT, AIRPORT IMPROVEMENTS, OAHU				
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
		TOTAL FUNDING	TRN	6,000 E		6,000 E
			TRN	1 N		1 N

TRN111 - HILO INTERNATIONAL AIRPORT

3.		HILO INTERNATIONAL AIRPORT, AIRPORT IMPROVEMENTS, HAWAII				
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
		TOTAL FUNDING	TRN	2,400 E		E
			TRN	1 N		N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
TRN114 - ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE					
4.		ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE, AIRPORT IMPROVEMENTS, HAWAII			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4,804E	E
			TRN	1N	N
TRN116 - WAIMEA-KOHALA AIRPORT					
5.		MUE, WAIMEA-KOHALA AIRPORT, WATERLINE UPGRADES, HAWAII			
		DESIGN AND CONSTRUCTION TO INCREASE WATER CAPACITY FLOW FOR THE WAIMEA-KOHALA AIRPORT; GROUND AND SITE IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,800E	E
			TRN	1N	N
TRN131 - KAHULUI AIRPORT					
6.		KAHULUI AIRPORT, AIRPORT IMPROVEMENTS, MAUI			
		CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	37,770E	E
			TRN	1N	N
7.		OGG, SOIL REMEDIATION, MAUI			
		CONSTRUCTION FOR SOIL REMEDIATION; GROUND AND SITE IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,500E	E
			TRN	1N	N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
TRN161 - LIHUE AIRPORT					
8.		LIHUE AIRPORT, AIRPORT IMPROVEMENTS, KAUAI			
		LAND ACQUISITION AND CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, FACILITIES, AND LAND ACQUISITION AT THE AIRPORT. (OTHER FUNDS FROM CUSTOMER FACILITY CHARGES). THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4,687B	B
			TRN	7,690E	43,000E
			TRN	N	1N
			TRN	1,074X	X
TRN195 - AIRPORTS ADMINISTRATION					
9.		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	452,600E	66,000E
			TRN	1N	1N
10.		AIRPORT DEVELOPMENT, STATEWIDE			
		PLANS, DESIGN, AND CONSTRUCTION FOR STATEWIDE IMPROVEMENTS. IMPROVEMENTS INCLUDE PLANNING STUDIES, SAFETY, COMPLIANCE, OPERATIONAL EFFICIENCY, DEVELOPMENT, AND MANAGEMENT SUPPORT SERVICES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	18,000E	13,000E
			TRN	1N	1N
11.		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	4,428B	4,428B
			TRN	157X	157X

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
12.		FACILITY IMPROVEMENTS, STATEWIDE			
		CONSTRUCTION FOR IMPROVEMENTS OF VARIOUS FACILITIES AND OTHER RELATED IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	63,846E	24,000E
			TRN	1N	1N
13.		RENTAL CAR FACILITY IMPROVEMENTS, STATEWIDE			
		CONSTRUCTION TO PROVIDE CONSOLIDATED CAR RENTAL FACILITIES FOR THE RENTAL CAR AGENCIES AND OTHER RELATED IMPROVEMENTS (OTHER FUNDS FROM CUSTOMER FACILITY CHARGES).			
		TOTAL FUNDING	TRN	64,000X	X
TRN301 - HONOLULU HARBOR					
14.		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	49,988E	34,988E
			TRN	4N	4N
			TRN	4R	4R
TRN303 - KALAELOA BARBERS POINT HARBOR					
15.		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	B	4B
			TRN	E	2,494E
			TRN	N	4N
			TRN	R	4R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

TRN311 - HILO HARBOR

16.		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	14,988 E	4,988 E
			TRN	4N	4N
			TRN	4R	4R

TRN313 - KAWAIHAE HARBOR

17.		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	14,988 E	4,988 E
			TRN	4N	4N
			TRN	4R	4R

TRN331 - KAHULUI HARBOR

18.		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	9,988 E	24,988 E
			TRN	4N	4N
			TRN	4R	4R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

TRN361 - NAWILIWILI HARBOR

19.		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	B	4B
			TRN	E	4,988E
			TRN	N	4N
			TRN	R	4R

TRN395 - HARBORS ADMINISTRATION

20.		COMMERCIAL HARBORS ADMINISTRATIVE 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	9,992E	4,988E
			TRN	35,000N	4N
			TRN	4R	4R
21.		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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

TRN511 - HAWAII HIGHWAYS

- 22. KEAAU-PAHOA ROAD IMPROVEMENTS, HIGHWAY 130 WIDENING FROM SHOWER TO KALOLI DRIVE, HAWAII

CONSTRUCTION FOR WIDENING THE TWO LANE HIGHWAY TO FOUR LANES OR ALTERNATE ALIGNMENTS IN THIS CORRIDOR. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	30,000 E	E
	TRN	1 N	N

- 23. WAIMEA REGIONAL SAFETY IMPROVEMENTS, HAWAII

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.

TOTAL FUNDING	TRN	9,600 E	E
---------------	-----	---------	---

TRN531 - MAUI HIGHWAYS

- 24. NANILOA DRIVE BRIDGE, REHABILITATION, MAUI

CONSTRUCTION FOR REHABILITATION OF NANILOA DRIVE BRIDGE, RESTORATION AND IMPROVEMENTS INCLUDE REPAIR/ REPLACEMENT OF CORROSION AND REPAINTING. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.

TOTAL FUNDING	TRN	216 E	E
	TRN	1 N	N

- 25. 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	1,000 E	E
	TRN	4,000 N	N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
TRN561 - KAUAI HIGHWAYS					
26.		WAIMEA CANYON DRIVE/KOKEE ROAD IMPROVEMENTS, KAUAI			
		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	3,200 E	E
			TRN	12,800 N	N
TRN595 - HIGHWAYS ADMINISTRATION					
27.		HIGHWAY DRAINAGE IMPROVEMENTS, STATEWIDE			
		CONSTRUCTION FOR DRAINAGE IMPROVEMENTS TO HIGHWAY FACILITIES INCLUDING INSTALLATION OF DRAINAGE FACILITIES, CATCH BASINS, GRATED DROP INLETS, LINED SWALES, HEADWALLS, AND CULVERTS, DRYWELLS, DITCHES, AND BASINS AT VARIOUS LOCATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,000 E	7,200 E
			TRN	4,000 N	N
28.		HIGHWAY ENVIRONMENTAL MITIGATION AND REMEDIATION, STATEWIDE			
		LAND ACQUISITION AND DESIGN FOR ENVIRONMENTAL MITIGATION AND REMEDIATION MEASURES, INCLUDING EROSION CONTROL INSTALLATIONS AND BEST MANAGEMENT PRACTICES AT VARIOUS LOCATIONS, STATEWIDE.			
		TOTAL FUNDING	TRN	900 E	700 E
29.		HIGHWAY FACILITY IMPROVEMENTS, STATEWIDE			
		CONSTRUCTION FOR MAJOR REPAIRS, REHABILITATION, UPGRADES, MODERNIZATION, AND/OR INSTALLATION OF HIGHWAY FACILITIES SUPPORTING STAFF FUNCTIONS AND OPERATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4,300 E	E
			TRN	13,600 N	N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
30.		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, HRS 343/NEPA STUDIES, CORRIDOR STUDIES, SCOPING, AND BRIDGE EVALUATIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	11,700 E	6,000 E
			TRN	34,800 N	24,000 N
31.		HIGHWAY RESEARCH, STATEWIDE			
		PLANS FOR FEDERAL AID AND NON-FEDERAL AID RESEARCH AND PROJECTS, INCLUDING TECHNOLOGY TRANSFER AND WORKFORCE DEVELOPMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,399 E	499 E
			TRN	5,600 N	2,000 N
32.		HIGHWAY SAFETY IMPROVEMENTS, STATEWIDE			
		LAND ACQUISITION AND CONSTRUCTION FOR IMPROVEMENTS TO HIGHWAY FACILITIES NECESSARY FOR HIGHWAY SYSTEM SAFETY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	6,050 E	2,550 E
			TRN	21,000 N	9,600 N
33.		HIGHWAY STRUCTURAL FACILITIES PROGRAM, STATEWIDE			
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE REPLACEMENT, UPGRADE, REHABILITATION, AND/OR MAJOR REPAIR OF HIGHWAY STRUCTURES, INCLUDING BRIDGES, TUNNELS, METAL CULVERTS, AND DESTINATION SIGN STRUCTURES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,900 B	B
			TRN	20,150 E	20,100 E
			TRN	80,200 N	80,400 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
34.		HIGHWAY SYSTEM ENHANCEMENT, STATEWIDE			
		DESIGN TO PROVIDE FOR AND IMPROVE HIGHWAY SYSTEM ENHANCEMENTS, INCLUDING PEDESTRIAN AND BICYCLE FACILITIES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	450 E
			TRN	N	600 N
35.		HIGHWAY SYSTEM PRESERVATION IMPROVEMENTS, STATEWIDE			
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE PRESERVATION OF THE STATE HIGHWAY SYSTEM AND ITS FACILITIES, INCLUDING PAVEMENT, AND SIGNAGE, AND THE ADDRESS OF SHORELINE AND BRIDGE SCOUR ISSUES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	6,600 B	5,500 B
			TRN	17,800 E	15,150 E
			TRN	71,200 N	45,000 N
36.		HIGHWAY TRAFFIC OPERATIONAL IMPROVEMENTS, STATEWIDE			
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO EXISTING HIGHWAY FACILITIES FOR MORE EFFICIENT TRAFFIC FLOW. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	13,900 E	10,850 E
			TRN	24,800 N	20,000 N
37.		HIGHWAYS DIVISION FEDERAL HIGHWAY DISCRETIONARY GRANT PROGRAM, STATEWIDE			
		CONSTRUCTION FOR HIGHWAYS DIVISION PROJECTS RECEIVING FEDERAL DISCRETIONARY GRANT AWARDS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	10,000 E	E
			TRN	40,000 N	N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
38.		HIGHWAYS DIVISION MODERNIZATION, STATEWIDE			
		CONSTRUCTION FOR THE INVESTIGATION, TESTING, AND POSSIBLE INCORPORATION AND IMPLEMENTATION OF NEW TECHNIQUES, TECHNOLOGIES, PROGRAMS, AND SYSTEMS FOR THE MODERNIZATION OF THE HIGHWAYS DIVISION. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	200 B	1,000 B
			TRN	100 E	E
			TRN	400 N	4,000 N
39.		HIGHWAYS DIVISION SUPPORT SERVICES, STATEWIDE			
		PLANS AND DESIGN FOR CONSULTANT SUPPORT SERVICES FOR THE IMPLEMENTATION OF THE HIGHWAYS DIVISION CAPITAL IMPROVEMENT PROGRAM, STATEWIDE.			
		TOTAL FUNDING	TRN	4,000 E	4,000 E

D. ENVIRONMENTAL PROTECTION

HTH840 - ENVIRONMENTAL MANAGEMENT

1.		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	3,604 C	6,208 C
			HTH	29,028 N	31,038 N
2.		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	3,498 C	5,515 C
			HTH	26,016 N	27,573 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
LNR401 - ECOSYSTEM PROTECTION AND RESTORATION					
3.		FACILITY RENOVATION AT THE ANUENUE FISHERIES RESEARCH CENTER (AFRC) ON SAND ISLAND, OAHU			
		CONSTRUCTION FOR UPGRADES, NEW AQUACULTURE TANKS, SALTWATER WELL, PLUMBING, AND ELECTRICAL SYSTEMS, MODERNIZE AIR SYSTEM, UPGRADE MACROALGAE CULTURE, BACKUP GENERATOR AND SHED.			
		TOTAL FUNDING	LNR	350 A	A
4.		INFRASTRUCTURE UPGRADES FOR ANUENUE FISHERIES RESEARCH CENTER ANNEX (SUB COMM LOT), OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RENOVATION AND TRANSFORMATION OF THE FORMER DLNR SUB COMM SITE ADJACENT TO THE ANUENUE FISHERIES RESEARCH CENTER (AFRC) TO EXPAND ENVIRONMENTAL MANAGEMENT AND RESEARCH CAPACITY AND SERVE AS A BACKUP FOR ONGOING AQUATIC CULTURE ACTIVITIES AT AFRC.			
		TOTAL FUNDING	LNR	2,500 C	C
			LNR	2,000 A	A
LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM					
5.		DOFAW OAHU BASEYARD IMPROVEMENTS, OAHU			
		DESIGN AND CONSTRUCTION FOR OAHU DOFAW MAKIKI BASEYARD IMPROVEMENTS TO INCLUDE INSTALLATION OF CRITICALLY NEEDED INDIVIDUAL WASTEWATER SYSTEM (IWS), CONSTRUCTION OF FIRE CACHE, FOR WILDLAND FIRE RESPONSE READINESS AND RENOVATING OTHER BUILDINGS.			
		TOTAL FUNDING	LNR	250 C	C
6.		DOFAW, OAHU			
		CONSTRUCTION FOR INSTALLATION OF MAKIKI HEIGHTS ANTI-TRESPASSING BARRIERS TO DETER ILLEGAL ACTIVITY.			
		TOTAL FUNDING	LNR	A	100 A
7.		HILO OFFICE ROOF REPLACEMENT, HAWAII			
		CONSTRUCTION TO REMOVE AND REPLACE OLD ROOFING WITH NEW METAL ROOFING, REMOVING AND REINSTALLING EXISTING SOLAR PANEL ARRAY AND EQUIPMENT.			
		TOTAL FUNDING	LNR	185 A	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
8.		KANAHA POND STATE WILDLIFE SANCTUARY FENCE REPLACEMENT, MAUI			
		PLANS, DESIGN, AND CONSTRUCTION FOR REPLACEMENT OF PERIMETER FENCE FOR THE PROTECTION OF WETLANDS AND ENDANGERED WATERBIRDS AT KANAHA POND STATE WILDLIFE SANCTUARY TO REPLACE FENCE WITH A PREDATOR-PROOF FENCE TO PREVENT ACCESS BY INTRODUCED PREDATORS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	LNR	N	1 N
			LNR	A	700 A
9.		KAWAINUI MARSH PROTECTION, OAHU			
		PLANS, DESIGN AND CONSTRUCTION FOR PREDATOR FENCING, BUFFERS, AND ACCESS IMPROVEMENTS, VICINITY OF KAWAINUI LEVEE TO NA POHAKU.			
		TOTAL FUNDING	LNR	4,300 C	C
10.		LEHUA ISLAND SEABIRD SANCTUARY, KAUAI			
		CONSTRUCTION FOR WATER SYSTEM UPGRADE, DANGEROUS METALS REMOVAL, SOLAR PANEL AND BATTERY INSTALLATION, REPAIR THE WATER CATCHMENT SYSTEM FOR STAFF AND OUT-PLANTINGS AND INSTALLATION OF SOLAR PANELS; EQUIPMENT.			
		TOTAL FUNDING	LNR	100 A	A
11.		PALAMANUI COMMUNITY FOREST RESERVE, HAWAII			
		PLANS FOR MASTER PLANNING OF PALAMANUI DRY FOREST RESERVE TO INCLUDE COMPREHENSIVE SURVEYS, FIRE MANAGEMENT, AND RECREATIONAL PLANS.			
		TOTAL FUNDING	LNR	500 C	C

LNR404 - WATER RESOURCES

12.		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; GROUND AND SITE IMPROVEMENTS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	LNR	2,000 A	2,000 A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
13.		PLANNING FOR WATER REUSE IN STATE AND COUNTY FACILITIES, STATEWIDE PLANS TO CONDUCT A STATEWIDE ASSESSMENT TO UTILIZE RECLAIMED WATER FOR USES OTHER THAN DRINKING AND POTABLE WATER NEEDS IN 100% OF STATE AND COUNTY FACILITIES BY DECEMBER 31, 2045 PER HRS 174C-31(G)(6), ACT 170, SLH 2016; CONDUCT STUDY FOR WATER SECURITY.	LNR	A	1,000 A
LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT					
14.		DOCARE WAHIAWA SUBSTATION, OAHU LAND ACQUISITION FOR WAHIAWA DLNR-DOCARE SUBSTATION ON TMK 7-4-001-025.	LNR	1,000 C	C
LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT					
15.		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.	LNR	5,000 A	5,000 A
16.		KOOLAU ENDANGERED TREE SNAIL PREDATOR PROOF FENCE, OAHU CONSTRUCTION TO PROTECT CRITICALLY ENDANGERED TREE-SNAIL SPECIES AND NATIVE FOREST IN OAHU; AND ALL PROJECT RELATED COSTS. 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.	LNR	150 A	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
17.		WEST MAUI TREE SNAIL PREDATOR PROOF FENCE, MAUI CONSTRUCTION TO PROTECT CRITICALLY ENDANGERED TREE-SNAIL SPECIES AND NATIVE FOREST IN WEST MAUI; AND ALL PROJECT RELATED COSTS. 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.	LNR	350 A	350 A
18.		PUA LOKE BASEYARD ELECTRICAL, GAS TANK, AND ROOF REPAIRS, KAUAI CONSTRUCTION FOR UPGRADES TO THE ELECTRICAL SYSTEM, EXISTING GAS PUMP, AND ROOF REPAIRS.	LNR	200 A	A
E. HEALTH					
HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING					
1.		KALAUPAPA SETTLEMENT, REMEDIATION OF HAZARDOUS MATERIALS, MOLOKAI DESIGN AND CONSTRUCTION FOR REMEDIATION OF HAZARDOUS MATERIALS FROM DESIGNATED KALAUPAPA SETTLEMENT STRUCTURES AND RELATED IMPROVEMENTS.	AGS	100 C	440 C
HTH211 - KAHUKU HOSPITAL					
2.		LUMP SUM, KAHUKU MEDICAL CENTER PROJECTS, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RENOVATION AND IMPROVEMENTS OF KAHUKU MEDICAL CENTER BUILDING AND CAMPUS.	HTH	1,000 A	5,000 A
HTH212 - HAWAII HEALTH SYSTEMS CORPORATION – REGIONS					
3.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION, IMPROVEMENTS AND RENOVATIONS, STATEWIDE DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING RENOVATION AND/OR EXPANSION OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	HTH	12,000 A	15,500 A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
4.		HILO MEDICAL CENTER, ICU AND MEDICAL SURGICAL UNIT EXPANSION, HAWAII CONSTRUCTION AND EQUIPMENT FOR THE ICU AND MEDICAL SURGICAL UNIT EXPANSION.	HTH	50,000 A	A
5.		KONA COMMUNITY HOSPITAL - PHARMACY EXPANSION, HAWAII CONSTRUCTION AND EQUIPMENT FOR THE PRESCRIPTION DRUG COMPOUNDING FACILITY PHARMACY EXPANSION; GROUND AND SITE IMPROVEMENTS.	HTH	2,300 A	A
6.		KONA COMMUNITY HOSPITAL - RISK OF CLOSURE INFRASTRUCTURE UPGRADES, HAWAII PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR UPGRADES TO INFRASTRUCTURE AND OTHER IMPROVEMENTS TO MITIGATE THE RISK OF CLOSURE.	HTH	16,247 C	C
7.		SAMUEL MAHELONA MEMORIAL HOSPITAL, CLINIC RENOVATION, KAUAI DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CLINIC EXPANSION.	HTH	1,000 C	C
8.		SAMUEL MAHELONA MEMORIAL HOSPITAL, KAUAI PLANS AND DESIGN FOR MASTER PLANNING TO INCLUDE INFRASTRUCTURE, WATER, SEWER, AND INTERNAL/EXTERNAL TRANSPORTATION; ENGINEERING.	HTH	1,300 C	C
9.		SAMUEL MAHELONA MEMORIAL HOSPITAL, NEW PSYCHIATRIC UNIT, KAUAI PLANS, DESIGN AND CONSTRUCTION FOR A NEW PSYCHIATRIC UNIT AT THE SAMUEL MAHELONA MEMORIAL HOSPITAL.	HTH	7,400 C	C
10.		SAMUEL MAHELONA MEMORIAL HOSPITAL, NEW PSYCHIATRIC UNIT, KAUAI DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A NEW PSYCHIATRIC UNIT AT THE SAMUEL MAHELONA MEMORIAL HOSPITAL.	HTH	C	7,500 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
11.		SAMUEL MAHELONA MEMORIAL HOSPITAL, EMERGENCY DEPARTMENT EXPANSION, KAUAI DESIGN, CONSTRUCTION, AND EQUIPMENT FOR EMERGENCY DEPARTMENT EXPANSION.			
		TOTAL FUNDING	HTH	C	3,000 C
12.		KAUAI VETERANS MEMORIAL HOSPITAL, OPERATING ROOM RENOVATION, KAUAI DESIGN, CONSTRUCTION, AND EQUIPMENT FOR MODERNIZATION.			
		TOTAL FUNDING	HTH	C	3,000 C
HTH214 - MAUI HEALTH SYSTEM, A KFH LLC					
13.		LUMP SUM MAUI HEALTH SYSTEM, FACILITIES REPAIR, RENOVATIONS AND UPGRADES, MAUI AND LANAI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS, REPAIRS, RENOVATIONS, EXPANSION, MODERNIZATION AND UPGRADES TO MAUI MEMORIAL MEDICAL CENTER (MMMC), KULA HOSPITAL (KH), AND LANAI COMMUNITY HOSPITAL (LCH).			
		TOTAL FUNDING	HTH	27,700 C	C
			HTH	6,000 A	6,000 A
HTH215 - HHSC - OAHU REGION					
14.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION, OAHU REGION, OAHU DESIGN AND CONSTRUCTION FOR LUMP SUM PROJECTS FOR OAHU REGION.			
		TOTAL FUNDING	HTH	2,000 C	500 C
			HTH	3,000 A	3,000 A
HTH430 - ADULT MENTAL HEALTH - INPATIENT					
15.		HAWAII STATE HOSPITAL, NEW FACILITY FOR SECURE AND SEMI-SECURE STABILIZATION BEDS AND RELATED IMPROVEMENTS, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT OF A NEW FACILITY FOR SECURE AND SEMI SECURE STABILIZATION BEDS ON HAWAII STATE HOSPITAL CAMPUS AND RELATED IMPROVEMENTS.			
		TOTAL FUNDING	AGS	2,500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

HTH710 - STATE LABORATORY SERVICES

16.		KAMAULEULE, REPAIRS AND MAINTENANCE, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A BACK-UP GENERATOR AND OTHER RELATED IMPROVEMENTS.				
		TOTAL FUNDING	AGS	5,600	C	C
17.		KAMAULEULE, BIOSAFETY LEVEL 3 LABORATORY, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A BIOSAFETY LEVEL 3 LABORATORY ON THE ISLAND OF OAHU, TO PROVIDE FOR INFECTIOUS DISEASE WORK FOR AN IMMEDIATE RESPONSE TO A PUBLIC HEALTH CRISIS. FUNDS WILL SUPPLEMENT FEDERAL FUNDS THAT HAVE BEEN AWARDED FOR THIS PROJECT.				
		TOTAL FUNDING	AGS	11,557	C	C

HTH907 - GENERAL ADMINISTRATION

18.		DEPARTMENT OF HEALTH, IMPROVEMENTS, STATEWIDE DESIGN, CONSTRUCTION, AND EQUIPMENT FOR NECESSARY IMPROVEMENTS TO PROVIDE FOR HEALTH AND SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS.				
		TOTAL FUNDING	AGS	1,000	A	1,000 A
19.		KINAU HALE, MENTAL HEALTH CRISIS UNIT AND OTHER RELATED IMPROVEMENTS, OAHU CONSTRUCTION FOR RENOVATION AND CONVERSION OF KINAU HALE 1ST FLOOR TO A MENTAL HEALTH CRISIS UNIT, INCLUDING STABILIZATION BEDS; RELOCATION OF EXISTING OFFICE SPACE.				
		TOTAL FUNDING	AGS		C	100,000 C

F. SOCIAL SERVICES

HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)

1.		KAWAIILOA YOUTH AND FAMILY WELLNESS CENTER (KYFWC) WATER SYSTEM IMPROVEMENTS, OAHU DESIGN AND CONSTRUCTION TO ASSESS, REPAIR, AND IMPROVE THE KAWAIILOA YOUTH AND FAMILY WELLNESS CENTER WATER SUPPLY SYSTEM.				
		TOTAL FUNDING	AGS	4,900	C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
2.		KAWAIILOA YOUTH AND FAMILY WELLNESS CENTER (KYFWC) SEWER SYSTEM IMPROVEMENTS, OAHU DESIGN AND CONSTRUCTION TO ASSESS, REPAIR, AND IMPROVE THE KAWAIILOA YOUTH AND FAMILY WELLNESS CENTER SEWER SYSTEM.		1,550	C
		TOTAL FUNDING	AGS		C
DEF112 - SERVICES TO VETERANS					
3.		VETERANS CEMETERY RESTORATION AND IMPROVEMENTS, STATEWIDE DESIGN AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO VETERANS CEMETERIES STATEWIDE, INCLUDING BUT NOT LIMITED TO RESTORATION, REALIGNMENT, REPLACEMENT, REPAIRS, RENOVATIONS, AND OTHER ASSOCIATED IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.		1,100	A
		TOTAL FUNDING	DEF	P	6,000P
4.		HAWAII STATE VETERANS CEMETERY GLOBAL WAR ON TERRORISM MEMORIAL, OAHU PLANS AND DESIGN FOR A MEMORIAL TO HONOR SERVICE MEMBERS OF THE RECENT CONFLICTS IN THE PERSIAN GULF, IRAQ, AFGHANISTAN, AND THE VARIOUS THEATERS OF THE GLOBAL WAR ON TERRORISM, TO BE LOCATED AT THE HAWAII STATE VETERANS CEMETERY IN KANEOHE ON THE ISLAND OF OAHU, AND REPLICAS OF THE MEMORIAL TO BE LOCATED AT THE STATE VETERANS CEMETERIES STATEWIDE.		250	C
		TOTAL FUNDING	DEF		C
5.		HOOLEHUA VETERANS CEMETERY UPGRADES AND SITE IMPROVEMENTS, MOLOKAI DESIGN AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS TO THE HOOLEHUA STATE VETERANS CEMETERY ON MOLOKAI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.		65	A
		TOTAL FUNDING	AGS	P	585P

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
HMS220 - RENTAL HOUSING SERVICES					
6.		LUMP SUM HAWAII PUBLIC HOUSING AUTHORITY, DEVELOPMENT, IMPROVEMENTS, AND RENOVATIONS, STATEWIDE			
		PLAN, DESIGN, CONSTRUCTION, AND EQUIPMENT TO DEVELOP, UPGRADE OR RENOVATE PUBLIC HOUSING FACILITIES, INCLUDING BUILDING AND SITE IMPROVEMENTS, INFRASTRUCTURE, EQUIPMENT, AND APPURTENANCES. PROJECT COSTS ARE ALL RELATED AND ASSOCIATED EXPENDITURES.			
		TOTAL FUNDING	HMS	5,000 C	5,000 C
			HMS	5,000 A	5,000 A
7.		KALIHI VALLEY HOMES, OAHU			
		DESIGN AND CONSTRUCTION FOR DEMOLITION AND DISPOSAL OF COMMUNITY CENTER.			
		TOTAL FUNDING	HMS	400 A	800 A
8.		KALIHI VALLEY HOMES, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR INTERIOR AND EXTERIOR REPAIRS, UPGRADES AND SAFETY IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HMS	4,400 C	C
9.		KAPAA PUBLIC HOUSING PROJECT, KAUAI			
		PLANS AND DESIGN FOR HOUSING UNITS AT THE KAPAA PUBLIC HOUSING PROJECT SITE IN KAPAA, KAUAI, INCLUDING THE DEVELOPMENT OF REPLACEMENT PUBLIC HOUSING UNITS, AND ADDITIONAL HOUSING UNITS COMPRISED OF A MIX OF SUPPORTIVE HOUSING, AFFORDABLE HOUSING, AND WORKFORCE HOUSING.			
		TOTAL FUNDING	HMS	2,000 C	C
HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS					
10.		LUMP SUM REPAIR AND MAINTENANCE, HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REPAIR AND MAINTENANCE OF EXISTING INFRASTRUCTURE ON VARIOUS HAWAIIAN HOME LANDS, STATEWIDE.			
		TOTAL FUNDING	HHL	20,000 C	20,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

G. FORMAL EDUCATION

EDN100 - SCHOOL-BASED BUDGETING

1.		LUMP SUM CIP - FEDERAL GRANTS, STATEWIDE				
		PLANS, DESIGN AND CONSTRUCTION FOR REPLACEMENT OR RENOVATED BUILDINGS OR REPLACEMENT SCHOOLS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
		TOTAL FUNDING	EDN	25,600 C		36,000 C
			EDN	102,400 P		144,000 P
2.		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	71,760 A		45,000 A
3.		LUMP SUM CIP - INSTRUCTIONAL, STATEWIDE				
		DESIGN, AND CONSTRUCTION FOR EQUITY, INCLUDING RENOVATION, EXPANSION AND/OR REPLACEMENT OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.				
		TOTAL FUNDING	EDN	2,500 C		11,000 C
4.		AHUIMANU ELEMENTARY SCHOOL, OAHU				
		DESIGN AND CONSTRUCTION FOR AN ACCESS LANE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.				
		TOTAL FUNDING	EDN	680 C		C
5.		AIEA HIGH SCHOOL, OAHU				
		DESIGN AND CONSTRUCTION FOR NEW FOOTBALL FIELD AND TRACK, REPLACE TRACK AND GRASS FOOTBALL FIELD WITH SYNTHETIC TRACK AND FIELD.				
		TOTAL FUNDING	EDN	7,000 C		C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
6.		AIEA INTERMEDIATE SCHOOL, OAHU DESIGN FOR AN OUTDOOR GATHERING AREA TO INCLUDE A STAGE, ASSOCIATED SEATING, AND OTHER NECESSARY INFRASTRUCTURE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		500 C	C
		TOTAL FUNDING	EDN		
7.		ALIAMANU ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED PLAYCOURT AND PEDESTRIAN ACCESS IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.		4,500 C	C
		TOTAL FUNDING	EDN		
8.		ALIOLANI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR A CAMPUS PERIMETER FENCE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		1,000 C	C
		TOTAL FUNDING	EDN		
9.		ALVAH A SCOTT ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW OFFICE AREA AND HEALTH ROOM.		C	2,200 C
		TOTAL FUNDING	EDN		
10.		BALDWIN HIGH SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR ALL WEATHER ATHLETIC TRACK AND FIELD, PE/ATHLETIC FACILITIES, AND OTHER RELATED FACILITIES AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.		2,500 C	10,000 C
		TOTAL FUNDING	EDN		
11.		BALDWIN HIGH SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR PE AND ATHLETIC FACILITIES, AND OTHER ATHLETIC FACILITIES IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		12,500 C	C
		TOTAL FUNDING	EDN		
12.		BENJAMIN PARKER ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW ELEVATOR FOR BUILDING D AND COVERED WALKWAYS CONNECTING BUILDINGS C, D, AND H.		3,500 C	C
		TOTAL FUNDING	EDN		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
13.		BLANCHE POPE ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR A NEW FREE-STANDING BUILDING TO HOUSE THE EXISTING HAWAIIAN-LANGUAGE IMMERSION PROGRAM AND ENGLISH-LANGUAGE PRESCHOOL.			
		TOTAL FUNDING	EDN	5,000 C	C
14.		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	2,000 C	C
15.		ERNEST BOWEN DESILVA ELEMENTARY SCHOOL, HAWAII PLANS AND DESIGN FOR NEW CLASSROOM BUILDING.			
		TOTAL FUNDING	EDN	3,000 C	C
16.		HAKALAU ELEMENTARY SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR MITIGATION OF LEAD PAINT; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	80 A	A
17.		HANA HIGH AND ELEMENTARY SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR A MULTIPURPOSE ATHLETIC FIELD; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,300 C	C
18.		HIGHLANDS INTERMEDIATE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED BUS STOP AND SEATING AREA; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,200 C	C
19.		HILO INTERMEDIATE SCHOOL, HAWAII CONSTRUCTION FOR DEMOLITION OF SCHOOL GYMNASIUM.			
		TOTAL FUNDING	EDN	1,000 A	A
20.		HOKULANI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR REPAIRS AND MAINTENANCE, INCLUDING REPAINTING, REPAVING PARKING LOT AND OTHER RELATED IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,350 C	C
			EDN	650 A	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
21.		HOLUALOA ELEMENTARY SCHOOL, HAWAII CONSTRUCTION FOR DEFERRED MAINTENANCE AND MOLD MITIGATION.	EDN	250 A	A
22.		HONOKAA HIGH AND INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO SCIENCE/STEM FACILITIES.	EDN	1,400 C	C
23.		IAO INTERMEDIATE SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR DEMOLITION AND DUE DILIGENCE FOR LAND ADJACENT TO SCHOOL CAMPUS.	EDN	150 C	C
24.		ILIMA INTERMEDIATE SCHOOL, OAHU PLANS AND DESIGN FOR A NEW BUILDING TO INCLUDE A PERFORMING ARTS CENTER, ASSOCIATED PARKING FACILITIES, AND IMPROVEMENTS.	EDN	2,500 C	C
25.		JARRETT INTERMEDIATE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR DRAINAGE IMPROVEMENT FOR BASKETBALL COURT, GROUND AND SITE IMPROVEMENT, EQUIPMENT AND APPURTENANCE.	EDN	500 C	C
26.		KAAAWA ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR ELECTRICAL UPGRADES; EQUIPMENT AND APPURTENANCES.	EDN	3,000 C	C
27.		KAAHUMANU ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR UPGRADES AND RENOVATIONS OF 1ST FLOOR RESTROOMS TO ENSURE ADA COMPLIANCE; EQUIPMENT AND APPURTENANCES.	EDN	1,500 C	C
28.		KAALA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAYCOURT; EQUIPMENT AND APPURTENANCES.	EDN	4,300 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
29.		KAHAKAI ELEMENTARY SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS, PAVEMENT AND EXTENSION OF ACCESS ROAD, GROUND AND SITE IMPROVEMENTS.	TOTAL FUNDING EDN	2,500 C	C
30.		KAHUKU HIGH AND INTERMEDIATE SCHOOL, OAHU CONSTRUCTION FOR VARIOUS CAMPUS IMPROVEMENTS, INCLUDING REMOVAL OF CEILING DEBRIS, FAN INSTALLATION, REFINISHING OF FOYER TILES, AND IMPROVEMENTS TO LOCKER ROOMS AND RESTROOMS; EQUIPMENT AND APPURTENANCES.	TOTAL FUNDING EDN EDN	3,000 C 1,000 A	C A
31.		KAILUA HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ATHLETIC FACILITIES AND OTHER RELATED IMPROVEMENTS.	TOTAL FUNDING EDN	C	7,500 C
32.		KAIMUKI HIGH SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR CAMPUS SECURITY UPGRADES INCLUDING FULL PERIMETER SECURITY FENCING; EQUIPMENT AND APPURTENANCES.	TOTAL FUNDING EDN	4,000 C	C
33.		KAIMUKI MIDDLE SCHOOL, OAHU EQUIPMENT AND APPURTENANCES FOR NEW WRESTLING MATS.	TOTAL FUNDING EDN	50 A	A
34.		KAIMUKI MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, EQUIPMENT AND APPURTENANCES FOR WALKWAY IMPROVEMENTS.	TOTAL FUNDING EDN	805 C	C
35.		KAISER HIGH SCHOOL, OAHU PLANS AND DESIGN FOR A PERFORMING ARTS AND VISUAL ARTS COMPLEX.	TOTAL FUNDING EDN	2,500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
36.		KALIHI KAI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR ELECTRICAL UPGRADES FOR C BUILDING; EQUIPMENT AND APPURTENANCES	EDN	21 C	C
37.		KALIHI UKA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR SCHOOL IMPROVEMENTS, INCLUDING THE STABILIZATION OF BUILDINGS A AND C AND PERIMETER SECURITY FENCES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.	EDN	8,200 C	C
38.		KAMEHAMEHA III ELEMENTARY SCHOOL, MAUI CONSTRUCTION FOR AIR CONDITIONING UNIT REPLACEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	875 C	C
39.		KANEOHE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED DECK EXTENDING OFF THE CAFETERIA; EQUIPMENT AND APPURTENANCES.	EDN	1,500 C	C
40.		KANEOHE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAY COURT; GROUND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	800 C	C
41.		KANOELANI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR CLASSROOM EXPANSION TO INCLUDE RESTROOM FACILITIES FOR SPECIAL EDUCATION STUDENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	550 C	C
42.		KAPAA ELEMENTARY SCHOOL, KAUAI CONSTRUCTION FOR A COVERED WALKWAY AND ELECTRICAL UPGRADES.	EDN	7,200 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
43.		KAPAA HIGH SCHOOL, KAUAI PLANS AND DESIGN FOR NEW KAPAA HIGH SCHOOL GYM.	EDN	2,500	C
		TOTAL FUNDING			
44.		KAPALAMA ELEMENTARY SCHOOL, OAHU CONSTRUCTION AND EQUIPMENT TO PROVIDE NEW PLAYGROUND EQUIPMENT FOR PLAY AREA SITES.	EDN	400	A
		TOTAL FUNDING			
45.		KAUMUALII ELEMENTARY SCHOOL, KAUAI PLANS, DESIGN, AND CONSTRUCTION FOR A NEW ACCESS ROAD AND PARKING LOT TO INCLUDE NEW ADA ACCESSIBLE PARKING STALLS; EQUIPMENT AND APPURTENANCES.	EDN	3,000	A
		TOTAL FUNDING			
46.		KEALAKEHE ELEMENTARY SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR A NEW CAFETERIA BUILDING AND AIR CONDITIONING SYSTEM; EQUIPMENT AND APPURTENANCES.	EDN	6,000	C
		TOTAL FUNDING			
47.		KEALAKEHE INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR INSTALLATION OF ROOF COVER AND RESURFACING OF BASKETBALL AND VOLLEYBALL COURTS; EQUIPMENT AND APPURTENANCES.	EDN	5,000	C
		TOTAL FUNDING			
48.		KEKAHA ELEMENTARY SCHOOL, KAUAI PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAY COURT; GROUND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	4,400	C
		TOTAL FUNDING			
49.		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS COVERED WALKWAYS AND SIDEWALK REPAIRS; EQUIPMENT AND APPURTENANCES.	EDN	400	C
		TOTAL FUNDING			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
50.		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND UPGRADES FOR THE CAMPUS, REPAIR/RESTORE THE GYMNASIUM FLOOR, AND INSTALL ELECTRICAL UPGRADES INCLUDING NEW TRANSFORMER AND/OR PANEL BOARD TO SUPPORT ADDITIONAL AIR CONDITIONING UNITS IN BUILDINGS B, C, E, AND I; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.			
		TOTAL FUNDING	EDN	1,460 C	C
51.		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR RESURFACING OF OUTDOOR PLAY COURTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	680 C	C
52.		KIPAPA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,500 C	C
53.		KIPAPA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAFETERIA AIR CONDITIONING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,600 C	C
54.		KULA ELEMENTARY SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR A MULTIPURPOSE BUILDING WITH KITCHEN AND INFRASTRUCTURE IMPROVEMENTS AT KEOKEA, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	7,000 C	C
55.		LAIE ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR CAMPUS IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO RENOVATION OF WATER SYSTEMS AND SEPTIC MITIGATION; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
56.		LANAI HIGH AND ELEMENTARY SCHOOL, LANAI CONSTRUCTION FOR REPAIRS TO THE ROOFING OF VARIOUS BUILDINGS AND GYMNASIUM FLOORING; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,500	C
57.		LANAI HIGH AND ELEMENTARY SCHOOL, LANAI DESIGN, CONSTRUCTION AND EQUIPMENT FOR UPGRADES AND IMPROVEMENTS AT LANAI HIGH AND ELEMENTARY SCHOOL, PROJECTS MAY INCLUDE BUT ARE NOT LIMITED TO GYM AND FLOOR, ROOF REPAIRS, TEACHER HOUSING, BASKETBALL AND TENNIS COURTS AND PLAYFIELD, EXTERIOR AND INTERIOR PAINTING, AND BUILDING COMPRESSOR; GROUND AND SITE IMPROVEMENTS; AND OTHER RELATED UPGRADES AND IMPROVEMENTS.			
		TOTAL FUNDING	EDN	A	5,000
58.		LEILEHUA HIGH SCHOOL, ADMINISTRATION BUILDING, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW ADMINISTRATION BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	18,000	C
59.		LEILEHUA HIGH SCHOOL, HUGH YOSHIDA STADIUM, OAHU DESIGN AND CONSTRUCTION FOR IMPROVEMENTS FOR HUGH YOSHIDA STADIUM, REPLACE STADIUM TURF AND OVERLAY TRACK.			
		TOTAL FUNDING	EDN	1,630	C
			EDN	2,000	A
60.		LIHIKAI ELEMENTARY SCHOOL, MAUI DESIGN AND CONSTRUCTION AND EQUIPMENT FOR COMMUNICATION AND ELECTRICAL UPGRADES, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	EDN	A	650
61.		LIHOLIHO ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED BASKETBALL COURT; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	465	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
62.		LINCOLN ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ELECTRICAL UPGRADES ASSOCIATED WITH AIR CONDITIONING FOR CLASSROOMS; EQUIPMENT AND APPURTENANCES.		200C	C
		TOTAL FUNDING	EDN		
63.		LINCOLN ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN FOR A MASTER PLAN FOR CAMPUS IMPROVEMENTS, INCLUDING A COVERED PLAYCOURT.		150C	C
		TOTAL FUNDING	EDN		
64.		LINCOLN ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR A RAISED CROSSWALK ALONG THE AUWAIOLIMU STREET ACCESS TO CAMPUS; EQUIPMENT AND APPURTENANCES.		130C	C
		TOTAL FUNDING	EDN		
65.		LOKELANI INTERMEDIATE SCHOOL, MAUI CONSTRUCTION FOR PARKING LOT RESURFACING, GUTTERS AND DRAINAGE SYSTEM REPLACEMENT, AIR CONDITIONING EFFICIENCY UPGRADES, AND GENERAL REPAIRS AND MAINTENANCE; EQUIPMENT, AND APPURTENANCES.		1,020C	C
		TOTAL FUNDING	EDN		
66.		MAEMAE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR SCHOOL-WIDE TELECOM UPGRADES; EQUIPMENT AND APPURTENANCES.		3,000C	C
		TOTAL FUNDING	EDN		
67.		MAKALAPA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS-WIDE ELECTRICAL UPGRADES.		1,900C	C
		TOTAL FUNDING	EDN		
68.		MANANA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR RESTROOM FACILITIES FOR PORTABLE CLASSROOM; EQUIPMENT AND APPURTENANCES.		1,100C	C
		TOTAL FUNDING	EDN		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
69.		MANOA ELEMENTARY SCHOOL, OAHU CONSTRUCTION O ² CONVERT ROOMS FOR MULTIPLE-PURPOSE USAGE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	500 C	C
70.		MAUI HIGH SCHOOL, MAUI PLANS, DESIGN AND CONSTRUCTION FOR TRACK AND FIELD IMPROVEMENTS TO INCLUDE RESURFACING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES			
		TOTAL FUNDING	EDN	2,500 C	C
71.		MCKINLEY HIGH SCHOOL, OAHU CONSTRUCTION FOR REPAINTING BUILDING A; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000 A	A
72.		MCKINLEY HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A FULL CAMPUS PERIMETER FENCE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000 A	A
73.		MCKINLEY HIGH SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR ATHLETIC FACILITIES, INCLUDING NEW BLEACHERS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	7,000 C	C
74.		MILILANI HIGH SCHOOL, COVERED PLAYCOURT, OAHU DESIGN AND CONSTRUCTION FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	6,000 C	C
75.		MILILANI IKE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR RESURFACING AND RESTRIPIING OF DRIVEWAYS, DROP-OFF LANES, AND PARKING LOTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
76.		MOANALUA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR THE EXPANSION OF THE HEALTH ROOM IN THE ADMINISTRATION BUILDING; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,250	C
77.		MOANALUA HIGH SCHOOL, OAHU CONSTRUCTION FOR IMPROVEMENTS TO ATHLETIC FACILITIES; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	500	C
78.		MOANALUA HIGH SCHOOL, OAHU CONSTRUCTION FOR REROOFING OF GYMNASIUM AND RESURFACING OF THE BASKETBALL COURT; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,600	C
79.		MOANALUA MIDDLE SCHOOL, OAHU CONSTRUCTION FOR AN OUTDOOR COVERED PLAY COURT; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	4,000	C
80.		MOLOKAI COMPLEX AREA SCHOOLS, MOLOKAI DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE PROJECTS AT KAUNAKAKAI ELEMENTARY SCHOOL, KILOHANA ELEMENTARY SCHOOL, KUALAPUU ELEMENTARY PUBLIC CONVERSION CHARTER SCHOOL, MAUNALOA ELEMENTARY SCHOOL, MOLOKAI HIGH SCHOOL, AND MOLOKAI MIDDLE SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,090	A 5,420
81.		MOLOKAI MIDDLE SCHOOL, MOLOKAI PLANS AND DESIGN FOR ATHLETICS AND PHYSICAL EDUCATION FACILITIES FOR MOLOKAI MIDDLE SCHOOL			
		TOTAL FUNDING	EDN	2,000	C
82.		NAALEHU ELEMENTARY SCHOOL, HAWAII CONSTRUCTION FOR IMPROVEMENTS TO GUTTERS AND DRAINAGE SYSTEM IN BUILDING A; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	150	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
83.		NANAİKAPONO ELEMENTARY SCHOOL, OAHU PLANS AND CONSTRUCTION FOR A NEW SPRINKLER SYSTEM, LANDSCAPING, AND MAINTENANCE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	85 A	A
84.		NANAKULI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR MAJOR REPAIRS AND GENERAL MAINTENANCE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000 A	A
85.		NANAKULI HIGH AND INTERMEDIATE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A PERFORMING ARTS CENTER; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	6,000 C	C
86.		NEW OAHU BASEYARD, ACQUISITION, OAHU PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ACQUISITION OF TMKS (1) 9-5-046-041 AND (1) 9-5-046-042.			
		TOTAL FUNDING	EDN	19,000 C	C
87.		NOELANI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR COVERED WALKWAY REROOFING, STRUCTURAL REPAIRS, AND EXPANSION; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	2,000 C	C
88.		NUUANU ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR SAFETY IMPROVEMENTS INCLUDING FENCING FOR THE COVERED GYM; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,750 A	A
89.		NUUANU ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN FOR LIBRARY IMPROVEMENTS AND ADDITIONAL CLASSROOMS IN EXISTING SPACE.			
		TOTAL FUNDING	EDN	500 A	A
90.		PAHOA HIGH AND INTERMEDIATE SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR RESURFACING THE FOOTBALL FIELD; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,200 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
91.		PEARL CITY ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR THE REPLACEMENT OF CAMPUS WATERLINES.			
		TOTAL FUNDING	EDN	1,400	C
92.		PEARL CITY HIGH SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR GENERAL IMPROVEMENTS TO AUDITORIUM, INCLUDING LIGHTING AND ELECTRICAL IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	4,000	C
93.		PEARL CITY HIGHLANDS ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION ELECTRICAL UPGRADES; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000	C
94.		POHAKEA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR PARKING AND TRAFFIC CONTROL IMPROVEMENTS; EQUIPMENT AND APPURTENANCES			
		TOTAL FUNDING	EDN	200	C
95.		POMAIKAI ELEMENTARY SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR PLAYFIELD IMPROVEMENTS, INCLUDING REGRADING/RECONDITIONING, IRRIGATION UPGRADES, LANDSCAPING, REPLACING CAMPUS WATER VALVES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.			
		TOTAL FUNDING	EDN	A	650A
96.		PUOHALA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PARKING LOT EXPANSION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	380	C
97.		PUU KUKUI ELEMENTARY SCHOOL, MAUI PLANS AND DESIGN FOR NEWLY ACQUIRED PROPERTY, INCLUDING BUT NOT LIMITED TO PARKING LOT AND NEW BUILDING.			
		TOTAL FUNDING	EDN	300	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
98.		PUIHALE ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW OUTDOOR LEARNING SPACE; EQUIPMENT AND APPURTENANCES.	EDN	200	C
		TOTAL FUNDING			
99.		RED HILL ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT, AND APPURTENANCES FOR A PLAY COURT.	EDN	2,500	C
		TOTAL FUNDING			
100.		SALT LAKE ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR REPAIRS TO CONCRETE FLOOR IN BUILDING C-2; EQUIPMENT AND APPURTENANCES.	EDN	650	A
		TOTAL FUNDING			
101.		SALT LAKE ELEMENTARY SCHOOL, OAHU CONSTRUCTION TO REMOVE GRASS AROUND PLAYGROUND AND RESURFACE WITH SYNTHETIC TURF.	EDN	A	600
		TOTAL FUNDING			
102.		STEVENSON MIDDLE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS FOR PHYSICAL EDUCATION FACILITIES, INCLUDING CLASSROOMS, STORAGE, SHOWER ROOMS, AND COVERED BASKETBALL COURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	10,000	C
		TOTAL FUNDING			
103.		STEVENSON MIDDLE SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR INSTALLATION FOR CAMPUS-WIDE ELECTRICAL UPGRADES; EQUIPMENT AND APPURTENANCES.	EDN	300	C
		TOTAL FUNDING			
104.		WAHIAWA ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION, EQUIPMENT, AND APPURTENANCES, FOR A COVERED PLAYCOURT.	EDN	4,300	C
		TOTAL FUNDING			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
105.		WAIAKEA INTERMEDIATE SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR CAMPUS ELECTRICAL UPGRADE; EQUIPMENT AND APPURTENANCES.		3,500	C
		TOTAL FUNDING	EDN		C
106.		WAIALUA HIGH AND INTERMEDIATE SCHOOL, OAHU PLANS FOR DUE DILIGENCE STUDY FOR TRACK AND FIELD IMPROVEMENTS AND OTHER RELATED FACILITIES AT WAIALUA HIGH AND INTERMEDIATE SCHOOL.		A	750
		TOTAL FUNDING	EDN		A
107.		WAIANAE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR PARKING LOT EXPANSION; EQUIPMENT AND APPURTENANCES.		1,250	C
		TOTAL FUNDING	EDN		C
108.		WAIKIKI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A PLAYGROUND STRUCTURE; EQUIPMENT AND APPURTENANCES.		150	C
		TOTAL FUNDING	EDN		C
109.		WAIPAHU ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAFETERIA EXPANSION, RENOVATION AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.		4,500	C
		TOTAL FUNDING	EDN		C
110.		WAIPAHU ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN TO IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING NEW PARKING LOT AREAS.		5,000	C
		TOTAL FUNDING	EDN		C
111.		WAIPAHU HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS-WIDE, EXTERIOR REPAINTING; AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR; EQUIPMENT AND APPURTENANCES.		1,500	C
		TOTAL FUNDING	EDN		C
			EDN	1,000	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
112.		WAIPAHA INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW DIGITAL MEDIA, ROBOTICS, ENGINEERING/ELECTRONICS, ANIMATION, MUSIC AND SCIENCE (DREAMS) BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		3,000	C
		TOTAL FUNDING	EDN		
113.		WASHINGTON MIDDLE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR UPGRADES TO ATHLETIC COURTS; EQUIPMENT AND APPURTENANCES.		1,500	C
		TOTAL FUNDING	EDN		
EDN400 - SCHOOL SUPPORT					
114.		LUMP SUM - OFFICE OF INFORMATION TECHNOLOGY SERVICES, STATEWIDE DESIGN AND CONSTRUCTION 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.		2,000	2,000 A
		TOTAL FUNDING	EDN		
115.		ALA WAI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR RE-CABLING, BELLS AND PAGING SPEAKERS, AND OTHER UPGRADES TO THE BELL AND PAGING SYSTEM; EQUIPMENT AND APPURTENANCES.		1,500	A
		TOTAL FUNDING	EDN		
116.		KAIMUKI HIGH SCHOOL, OAHU CONSTRUCTION FOR CONVERGED INFRASTRUCTURE AND COMMUNICATION SYSTEM IMPROVEMENTS FOR BELLS AND PAGING AND PUBLIC ADDRESS FOR SCHOOL SAFETY; OTHER IMPROVEMENTS FOR ON-LINE LEARNING AND INTERNET ACCESS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.		1,100	C
		TOTAL FUNDING	EDN		
117.		LINAPUNI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR COMMUNICATION SYSTEM IMPROVEMENTS FOR SCHOOL SAFETY.		160	C
		TOTAL FUNDING	EDN		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
EDN450 - SCHOOL FACILITIES AUTHORITY					
118.		EAST KAPOLEI HIGH SCHOOL, HOOPILI, OAHU DESIGN AND CONSTRUCTION FOR NEW EAST KAPOLEI HIGH SCHOOL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	15,000	C
119.		LILIUOKALANI CAMPUS, OAHU PLANS AND DESIGN FOR REDEVELOPMENT OF QUEEN LILIUOKALANI ELEMENTARY SCHOOL PROPERTY TO PRE-KINDERGARTEN CLASSROOMS AND TEACHER HOUSING, INCLUDING TRAFFIC STUDIES, COMMUNITY OUTREACH, AND UTILITIES/SEWER ASSESSMENTS.			
		TOTAL FUNDING	EDN	100	C
120.		NEW CENTRAL MAUI ELEMENTARY AND MIDDLE SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR A NEW ELEMENTARY AND MIDDLE SCHOOL IN CENTRAL MAUI; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	10,000	C
EDN600 - CHARTER SCHOOLS					
121.		HALAU KU MANA PUBLIC CHARTER SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR CAMPUS-WIDE SECURITY IMPROVEMENTS, INCLUDING INSTALLATION OF CAMERAS, LIGHTING, AND PERIMETER FENCING.			
		TOTAL FUNDING	EDN	275	A
122.		KAMAILE ACADEMY, OAHU PLANS AND DESIGN FOR NEW CLASSROOM BUILDING; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	3,000	C
123.		KANU O KA AINA NEW CENTURY PUBLIC CHARTER SCHOOL, HAWAII CONSTRUCTION AND EQUIPMENT FOR COMPLETION OF THE KANU O KA AINA MULTIPURPOSE BUILDING TO INCLUDE A CERTIFIED COMMERCIAL KITCHEN SPACE.			
		TOTAL FUNDING	EDN	1,200	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
124.		KAWAIKINI NEW CENTURY PUBLIC CHARTER SCHOOL, KAUAI CONSTRUCTION GRANT TO KAWAIKINI NCPCS FOR RELOCATED-PORTABLE, RENOVATIONS FOR RAMP FOR ADA ACCESS AND COMPLIANCE FOR USE AS A PUBLIC CHARTER SCHOOL CLASSROOM, CULTURAL PERFORMANCE AREA, AND COMMUNITY GATHERING PLACE.		340 C	C
		TOTAL FUNDING	EDN		
125.		MALAMA HONUA PUBLIC CHARTER SCHOOL, OAHU PLANS AND DESIGN GRANT TO MALAMA HONUA PUBLIC CHARTER SCHOOL FOR ADMINISTRATION BUILDING FOR THE PUBLIC CHARTER SCHOOL AT NEW WAIMANALO LOCATION ON HUI MALAMA O KE KAI FOUNDATION'S CAMPUS; THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. 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.		1,750 C	C
		TOTAL FUNDING	EDN		
EDN407 - PUBLIC LIBRARIES					
126.		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.		10,000 A	10,000 A
		TOTAL FUNDING	AGS		
127.		KEAAU-MT. VIEW PUBLIC LIBRARY, HAWAII DESIGN AND CONSTRUCTION FOR A NEW LIBRARY, RELOCATE/CONSOLIDATE THE CURRENT LIBRARIES THAT ARE LOCATED AT KEAAU MIDDLE SCHOOL AND MOUNTAIN VIEW ELEMENTARY SCHOOL.		10,000 C	C
		TOTAL FUNDING	AGS		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
128.		NEW KAILUA PUBLIC LIBRARY, OAHU PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR NEW KAILUA LIBRARY, PARKING, AND RELATED FACILITIES.			
		TOTAL FUNDING	AGS	3,000C	C
129.		NEW WAIKOLOA PUBLIC LIBRARY, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR A NEW PUBLIC LIBRARY IN WAIKOLOA, INCLUDING ANY OTHER COMMUNITY-RELATED PROGRAMS AND EARLY LEARNING FACILITY SPACES, ALL RELATED ON-SITE AND OFF-SITE IMPROVEMENTS, INFRASTRUCTURE AND RELATED WORK; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	AGS	13,000C	C
DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY					
130.		YCA B1786 AND B1787 UPGRADES AND IMPROVEMENTS, OAHU DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO BUILDINGS 1786 AND 1787, INCLUDING BUT NOT LIMITED TO 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	3,000A	A
UOH100 - UNIVERSITY OF HAWAII, MANOA					
131.		UNIVERSITY OF HAWAII, MANOA CAMPUS, ATHLETIC FACILITY IMPROVEMENTS, OAHU PLANS, DESIGN AND CONSTRUCTION FOR VARIOUS REPAIRS AND IMPROVEMENTS TO ATHLETIC FACILITIES AND FIELD IMPROVEMENTS.			
		TOTAL FUNDING	UOH	14,000C	C
			UOH	4,500A	A
132.		COCONUT ISLAND, SEWER LINE REPLACEMENT/UPGRADES, OAHU DESIGN AND CONSTRUCTION FOR REPLACEMENT AND UPGRADES FOR SEWER LINE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	UOH	4,250C	C
			UOH	750A	5,000A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
133.		HAWAII INSTITUTE OF MARINE BIOLOGY, OAHU DEPLOYMENT OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DARPA) PROTOTYPE ARTIFICIAL CORAL REEF CAPABLE OF SURVIVING FUTURE CLIMATE CHANGE CONDITIONS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	UOH	C	63,517C
134.		UHM, HOLMES HALL, OAHU DESIGN AND CONSTRUCTION TO RENOVATE AND MODERNIZE HOLMES HALL STUDENT LABS THAT SUPPORT CIVIL, MECHANICAL, AND ELECTRICAL ENGINEERING PROGRAMS.			
		TOTAL FUNDING	UOH	1,500C	C
UOH210 - UNIVERSITY OF HAWAII, HILO					
135.		HILO, RENEW, IMPROVE, AND MODERNIZE, HAWAII 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	8,500C	4,800C
			UOH	6,000A	16,200A
136.		HAWAII ASTRONOMY ENGINEERING AND INSTRUMENT DEVELOPMENT HUB, HAWAII PLANS AND DESIGN FOR A CENTER FOR THE DESIGN, DEVELOPMENT, AND FABRICATION OF ASTRONOMICAL INSTRUMENTS WITHIN THE UNIVERSITY OF HAWAII.			
		TOTAL FUNDING	UOH	2,000C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
UOH800 - UNIVERSITY OF HAWAII, COMMUNITY COLLEGES					
137.		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.			
		TOTAL FUNDING	UOH	25,000 A	25,000 A
138.		CCS, CAPITAL RENEWAL AND DEFERRED MAINTENANCE, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO UH COMMUNITY COLLEGES SYSTEM FACILITIES. PROJECTS 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 FOR UPGRADES.			
		TOTAL FUNDING	UOH	25,000 A	25,000 A
139.		KAUAI CC, PV ROOFTOPS/CANOPIES, STORAGE BATTERIES AND VARIOUS ENERGY EFFICIENCY PROJECTS, KAUAI DESIGN AND CONSTRUCTION FOR PV ROOFTOPS/CANOPIES, STORAGE BATTERIES, AND VARIOUS ENERGY EFFICIENCY PROJECTS.			
		TOTAL FUNDING	UOH	15,000 C	C
140.		KAUAI CC, STUDENT DORMS AND FACULTY/STAFF HOUSING, KAUAI PLANS FOR DUE DILIGENCE STUDY FOR STUDENT DORMS AND FACULTY AND STAFF HOUSING.			
		TOTAL FUNDING	UOH	250 A	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
141.		CTAHR, WAIAKEA RESEARCH STATION, HAWAII PLANS, DESIGN AND CONSTRUCTION FOR CTAHR WAIAKEA RESEARCH STATION INFRASTRUCTURE, LEARNING LABS, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS.		2,625 C	C
		TOTAL FUNDING	UOH		
142.		UH CC, VARIOUS REPAIRS AND DEFERRED MAINTENANCE, OAHU PLANS, DESIGN AND CONSTRUCTION FOR VARIOUS REPAIRS CAMPUSWIDE TO INCLUDE REROOFING, PLUMBING, ELECTRICAL WORK; INTERIOR FINISHES UPGRADES; HVAC REPLACEMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		35,000 C	C
		TOTAL FUNDING	UOH		
143.		KAPIOLANI CC, 6920 KOKIO, BUILDING RENOVATION, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RENOVATION AND MODERNIZATION OF THE KOKIO SCIENCE BUILDING, INCLUDING BUT NOT LIMITED TO HVAC, FUME HOODS, CABINETS, LAYOUT, WINDOWS, INTERIOR FINISHES, AND ALL APPURTENANCES AND ALL ASSOCIATED PROJECT COSTS.		2,000 C	10,000 C
		TOTAL FUNDING	UOH		
144.		KAPIOLANI CC, 6930 OHELO, REPLACE AC SYSTEM AND FIRE SUPPRESSION SYSTEM, OAHU DESIGN AND CONSTRUCTION FOR THE REPLACEMENT OF THE EXISTING HVAC SYSTEM THROUGHOUT THE BUILDING, NEW FIRE SPRINKLER SYSTEM, REPLACEMENT OF HOOD SUPPRESSION SYSTEM, BOILER, AND RENOVATION OF CLASSROOMS SPACES; EQUIPMENT AND APPURTENANCES.		15,000 C	C
		TOTAL FUNDING	UOH		
145.		WINDWARD COMMUNITY COLLEGE, 5988 IMILOA, REPAIR/ REPLACE HEATING AND AIR CONDITIONING SYSTEM, OAHU CONSTRUCTION AND EQUIPMENT FOR THE REPAIR AND REPLACEMENT OF EXISTING HVAC SYSTEM INCLUDING BUT NOT LIMITED TO EQUIPMENT, DISTRIBUTION SYSTEM, CONTROLS AND ALL APPURTENANCES AND ALL ASSOCIATED PROJECT COSTS.		11,000 C	C
		TOTAL FUNDING	UOH		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
146.		HONOLULU CC, TECHNOLOGY RENOVATIONS, OAHU DESIGN AND CONSTRUCTION FOR THE RENOVATION AND REPURPOSING OF BUILDING 8805, INCLUDING BUT NOT LIMITED TO HVAC, FUME HOODS, CABINETS, LAYOUT, WINDOWS, INTERIOR FINISHES; EQUIPMENT AND APPURTENANCES.	UOH	C	3,000 C
UOH900 - UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT					
147.		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.	UOH	30,000 A	30,000 A
H. CULTURE AND RECREATION					
LNR804 - FOREST AND OUTDOOR RECREATION					
1.		ALAKAI SWAMP BOARDWALK REPAIR, KAUAI CONSTRUCTION TO FINISH REPAIRS OF THE ALAKAI SWAMP BOARDWALK.	LNR	200 A	A
2.		WAIMANALO PATHWAYS, OAHU PLANS, DESIGN AND CONSTRUCTION FOR OFF-STREET MULTI-MODAL PATHWAYS THROUGH WAIMANALO FROM OLOMANA GOLF COURSE TO SANDY BEACH PARK.	LNR	A	2,500 A
LNR806 - PARKS ADMINISTRATION AND OPERATION					
3.		STATE PARKS INFRASTRUCTURE IMPROVEMENTS, LUMP SUM, STATEWIDE (FF) - PART 1 PLANS, DESIGN, AND CONSTRUCTION OF THE STATE PARKS INFRASTRUCTURE SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS, STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.	LNR LNR	2,000 C 500 N	2,000 C 500 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
4.		DIAMOND HEAD STATE MONUMENT, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR TRAIL AND PARKING LOT IMPROVEMENTS; SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		700 C	C
		TOTAL FUNDING	LNR		
5.		DIAMOND HEAD STATE MONUMENT, FACILITY AND ACCESSIBILITY IMPROVEMENTS, OAHU CONSTRUCTION TO IMPROVE DIAMOND HEAD STATE MONUMENT PARK FACILITIES AND ACCESS POINTS, AND INSTALL NEW NON-ENGLISH SIGNS.		C	1,000 C
		TOTAL FUNDING	LNR		
6.		SAND ISLAND STATE RECREATION AREA, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A SAND ISLAND STATE RECREATION AREA MASTER PLAN AND ASSOCIATED PROJECTS.		5,000 C	C
		TOTAL FUNDING	LNR		
7.		STATE PARKS HAZARD MITIGATION IMPROVEMENTS, WAIMEA CANYON LOOKOUTS, KAUAI PLANS, DESIGN, AND CONSTRUCTION OF WAIMEA CANYON LOOKOUTS, HAZARD MITIGATION IMPROVEMENTS FOR HEALTH AND SAFETY (WAIMEA CANYON LOOKOUT, PU'U KA PELE, PU'U HINAHINA).		1,000 C	1,000 C
		TOTAL FUNDING	LNR		
8.		FRIENDS OF IOLANI PALACE, STATE OF HAWAII MUSEUM OF MONARCHY HISTORY, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS, MAINTENANCE, AND RENOVATIONS WITHIN THE IOLANI PALACE COMPLEX. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO HRS 6E-35, ACT 291, SLH 2007.		150 A	A
		TOTAL FUNDING	LNR		
LNR801 - OCEAN-BASED RECREATION					
9.		LUMP SUM IMPROVEMENTS AT BOATING AND OCEAN RECREATION FACILITIES, STATEWIDE (FF) - PART 1 DESIGN AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS AT DOBOR FACILITIES STATEWIDE INCLUDING, BUT NOT LIMITED TO, NEW AND EXISTING BOAT RAMPS, DOCKS, FENDERS, PIERS, PAVEMENT, COMFORT STATION AND HARBOR OFFICE RENOVATIONS, WASTEWATER TREATMENT, DRAINAGE, AND UTILITY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.		2,000 B N	2,000 B 100 N
		TOTAL FUNDING	LNR		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
10.		ALA WAI SMALL BOAT HARBOR, OAHU DESIGN AND CONSTRUCTION FOR RESURFACING AND STRIPING OF EXISTING ACCESS ROADS AND PARKING AREAS; EQUIPMENT AND APPURTENANCES.	LNR	4,300	C
11.		KIKIAOLA SBH SAND BYPASSING, KAUAI DESIGN AND CONSTRUCTION FOR MOVING ACCUMULATED SAND/SEDIMENT FROM OUTSIDE EAST BREAKWATER TO OUTSIDE WEST BREAKWATER.	LNR	2,100	C
12.		LAHAINA HARBOR PIER, MAUI DESIGN AND CONSTRUCTION FOR PIER REPAIRS INCLUDING ELECTRICAL SERVICE AND LIGHTING AT LAHAINA HARBOR; EQUIPMENT AND APPURTENANCES.	LNR	4,000	C
13.		MALA WHARF AND RAMP, MAUI DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS FOR MALA BOAT RAMP ACCESS, AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.	LNR	3,200	C
14.		POHOIKI BOAT RAMP DREDGING OF VOLCANIC DEBRIS, HAWAII CONSTRUCTION FOR EXCAVATION AND DREDGING OF VOLCANIC DEBRIS AND RESTORE THE POHOIKI BOAT RAMP. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.	LNR	5,400	N A
15.		POKAI BAY JETTY WALL IMPROVEMENTS, OAHU PLANS, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND MAJOR REPAIRS TO THE JETTY WALL AT POKAI BAY.	LNR	5,750	C
16.		WAILOA SMALL BOAT HARBOR, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AND REPAIRS TO THE WAILOA SMALL BOAT HARBOR AND SURROUNDING WATERWAYS; EQUIPMENT AND APPURTENANCES.	LNR	3,200	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
I. PUBLIC SAFETY					
PSD900 - GENERAL ADMINISTRATION					
1.		PSD FAC-WIDE REPAIRS, DEFERRED MAINTENANCE, RELATED SUPPORT AND IMPROVEMENTS, STATEWIDE			
		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.			
		TOTAL FUNDING	PSD	3,000 A	3,000 A
2.		PSD GENERAL ADMINISTRATION, LUMP SUM CIP, STATEWIDE			
		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.			
		TOTAL FUNDING	AGS	15,000 A	7,500 A
3.		HALAWA CORRECTIONAL FACILITY, CONSOLIDATED HEALTH CARE UNIT, OAHU			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO CONSTRUCT A NEW CONSOLIDATED HEALTH CARE UNIT SECTION AT THE HALAWA CORRECTIONAL FACILITY ON OAHU.			
		TOTAL FUNDING	PSD	5,000 C	C
4.		WOMEN'S COMMUNITY CORRECTIONAL CENTER KITCHEN EXPANSION AND RELATED IMPROVEMENTS, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE EXPANSION, MODERNIZATION, AND UPGRADE OF THE WOMEN'S COMMUNITY CORRECTIONAL CENTER'S (WCCC) KITCHEN SERVICES AND RELATED SUPPORT AND EDUCATIONAL SERVICES, FACILITY-WIDE.			
		TOTAL FUNDING	PSD	3,000 C	16,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
5.		WOMEN'S COMMUNITY CORRECTIONAL CENTER, LAUNDRY EXPANSION AND RELATED IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE WOMEN'S COMMUNITY CORRECTIONAL CENTER (WCCC) LAUNDRY SERVICES EXPANSION AND RELATED IMPROVEMENTS, OAHU.			
		TOTAL FUNDING	PSD	3,000	C
6.		REQUEST FOR PROPOSALS FOR THE SOLICITATION AND DELIVERY OF A NEW OCCC FACILITY, OAHU DUE DILIGENCE AND PLANS FOR NEW FACILITY, INCLUDING CONSIDERATION OF LEASE BUYBACK AND OTHER OPTIONS.			
		TOTAL FUNDING	AGS	C	10,000
DEF110 - AMELIORATION OF PHYSICAL DISASTERS					
7.		DIAMOND HEAD STATE MONUMENT KAHALA TUNNEL SHOTCRETE REPAIRS, OAHU CONSTRUCTION FOR INSTALLATION OF NEW SHOTCRETE TO REPAIR THE DIAMOND HEAD STATE MONUMENT KAHALA TUNNEL.			
		TOTAL FUNDING	DEF	250	C
DEF116 - HAWAII ARMY AND AIR NATIONAL GUARD					
8.		UPGRADES AND IMPROVEMENTS TO HAWAII ARMY NATIONAL GUARD FACILITIES, STATEWIDE DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO FACILITIES SUPPORTING UNIT STATIONING/RESTATIONING RQMTS. AND/OR FACILITATE COMPLIANCE WITH FEDERAL, STATE, AND LOCAL SAFETY AND ENVIRONMENTAL RQMTS. IMPROVEMENTS TO INCLUDE, BUT NOT LIMITED TO ADDITIONS, ALTERATIONS, AND/OR NEW CONSTRUCTION. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	DEF	1,680	A
			DEF	4,490	P
					1,657
					4,680
DEF118 - HAWAII EMERGENCY MANAGEMENT AGENCY					
9.		BIRKHIMER EMERGENCY OPERATIONS CENTER UPGRADES AND IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR WATER DISTRIBUTION, SEWAGE, EQUIPMENT UPGRADES, SAFETY COMPLIANCE AND ASSOCIATED INFRASTRUCTURE IMPROVEMENTS AS REQUIRED TO BRING THE FACILITY UP TO MODERN STANDARD CODE AT THE BIRKHIMER EMERGENCY OPERATIONS CENTER.			
		TOTAL FUNDING	DEF	5,000	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
10.		RETROFIT PUBLIC BUILDINGS WITH HURRICANE PROTECTIVE MEASURES, STATEWIDE PLANS, 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. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.		1,500 A 1,500 P	1,500 A 1,500 P
		TOTAL FUNDING	AGS		
			AGS		
11.		SIREN MAINTENANCE AND MODERNIZATION, STATEWIDE DESIGN, CONSTRUCTION AND EQUIPMENT FOR UPGRADES AND MODERNIZATION OF EXISTING OUTDOOR SIRENS TO PROVIDE PUBLIC SAFETY ANNOUNCEMENT IN THE EVENT OF A WARNING HAZARD, STATEWIDE.		5,000 C	5,000 C
		TOTAL FUNDING	AGS		

K. GOVERNMENT-WIDE SUPPORT

BED144- STATEWIDE PLANNING AND COORDINATION

1.	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.			2,000 C	2,000 C
	TOTAL FUNDING	BED			

AGS131- ENTERPRISE TECHNOLOGY SERVICES

2.	LUMP SUM HEALTH AND SAFETY, HAWAII WIRELESS INTEROPERABILITY NETWORK, 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.			4,500 C	2,700 C
	TOTAL FUNDING	AGS			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
AGS111 - ARCHIVES - RECORDS MANAGEMENT					
3.		KEKAULUOHI HALON SYSTEM REPLACEMENT, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT TO REPLACE HALON GAS FIRE SUPPRESSION SYSTEM WITH NON-OZONE DEPLETING GAS (FM-200 OR EQUIVALENT).		3,400 C	C
		TOTAL FUNDING	AGS		
LNR101 - PUBLIC LANDS MANAGEMENT					
4.		DEMOLITION AND REMOVAL OF EXISTING IMPROVEMENTS, HILO, HAWAII DESIGN AND CONSTRUCTION FOR DEMOLITION AND REMOVAL OF EXISTING UNUSABLE IMPROVEMENTS FROM PRIOR LEASE ON TMKS (3) 2-1-005:033, 034, 035, 045.		8,000 D	D
		TOTAL FUNDING	LNR		
5.		HAWAIIAN PARADISE PARK, COMMUNITY PARK, HAWAII PLANS AND DESIGN FOR A NEW STATE PARK IN HAWAIIAN PARADISE PARK, HAWAII.		560 C	C
		TOTAL FUNDING	LNR		
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.		4,000 C	C
		TOTAL FUNDING	LNR		
7.		KAWEHWEHE BEACH (WAIKIKI), OAHU PLANS, DESIGN AND CONSTRUCTION FOR A BEACH RESTORATION PILOT PROJECT; EQUIPMENT AND APPURTENANCES		650 A	A
		TOTAL FUNDING	LNR		
AGS221 - PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION					
8.		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.		60,000 C 41,500 A	C 15,000 A
		TOTAL FUNDING	AGS AGS		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
9.		STATE CAPITOL BUILDING, REHABILITATION OF CHAMBERS LEVEL WATERPROOFING SYSTEM, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR FULL STRUCTURAL AND ARCHITECTURAL REHABILITATION OF THE WATERPROOFING SYSTEM/REFLECTING POOLS ABOVE THE CHAMBERS, BASEMENT OFFICES, PARKING AREA, AND OTHER RELATED IMPROVEMENTS.		33,500	C
		TOTAL FUNDING	AGS		C
10.		HANAPEPE CHINESE, FILIPINO, AND PORTUGUESE CEMETERY, KAUAI CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS AND SIGNAGE AT THE HANAPEPE CHINESE, FILIPINO AND PORTUGUESE CEMETERY.		125	C
		TOTAL FUNDING	AGS		C
11.		KAHULUI CIVIC CENTER, MAUI DESIGN AND CONSTRUCTION FOR KAHULUI CIVIC CENTER FACILITY MIXED-USE DEVELOPMENT.		9,000	C
		TOTAL FUNDING	AGS		C
12.		LILIUOKALANI CAMPUS, OAHU PLANS AND DESIGN FOR REDEVELOPMENT OF QUEEN LILIUOKALANI ELEMENTARY SCHOOL PROPERTY TO PRE-KINDERGARTEN CLASSROOMS AND TEACHER HOUSING, INCLUDING AN ENVIRONMENTAL IMPACT STATEMENT.		800	C
		TOTAL FUNDING	AGS		C
13.		MANOA, EAST-WEST CENTER, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT TO RENOVATE, IMPROVE AND MODERNIZE EAST-WEST CENTER HONOLULU CAMPUS BUILDINGS ON THE UNIVERSITY OF HAWAII MANOA CAMPUS, GRANT TO CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST, INC. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. 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.		2,550	C
		TOTAL FUNDING	AGS		C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
14.		PLANNING FOR STATE WAILUKU CIVIC CENTER, MAUI PLANS FOR REDEVELOPMENT OF THE STATE OF HAWAII CIVIC CENTER IN WAILUKU.	AGS	1,000	C
SUB201 - CITY AND COUNTY OF HONOLULU					
15.		DECORTE NEIGHBORHOOD PARK, OAHU DESIGN AND CONSTRUCTION FOR A SENIOR EXERCISE PARK; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE CITY AND COUNTY OF HONOLULU CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.	CCH CCH	500 500	C S
16.		MONITORING AND EXPLORATORY WELLS, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR MONITORING WELLS FOR AQUIFER MONITORING NEEDED TO UNDERSTAND CONDITION OF THE GROUNDWATER AQUIFER UNDERNEATH AND SURROUNDING THE RED HILL BULK FUEL STORAGE FACILITY, AND EXPLORATORY WELL TO MEET FUTURE POTABLE WATER REQUIREMENTS FOR THE METROPOLITAN AREA ON OAHU.	CCH	10,000	C
SUB401 - COUNTY OF MAUI					
17.		FLOOD PREVENTION AND MITIGATION, MAUI DESIGN AND CONSTRUCTION FOR FLOOD PREVENTION AND MITIGATION MEASURES IN AND/OR AROUND THE KULANIHAKOI AND WAIPUILANI GULCH SYSTEMS, TO INCLUDE A R-1 WATER RESERVOIR; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE COUNTY OF MAUI CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.	COM COM	1,250 1,250	C S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
18.		UPCOUNTRY MAUI AGRICULTURAL PARK, MAUI PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR KULA AGRICULTURAL PARK EXPANSION; GROUND AND SITE IMPROVEMENTS, EQUIPMENT, AND ALL PROJECT RELATED COSTS. THIS PROJECT IMPLEMENTS THE GROWTH OF AGRICULTURE STATEWIDE AS AN ESSENTIAL COMPONENT OF THE HAWAII STATE PLAN PER SECTION 226-7, HRS. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE COUNTY OF MAUI CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.			
		TOTAL FUNDING	COM	10,000 C	C
			COM	10,000 S	S
19.		WAIKAPU WASTEWATER TREATMENT FACILITY/CENTRAL MAUI WASTEWATER TREATMENT PLANT, WAIKAPU, MAUI DESIGN AND CONSTRUCTION FOR NEW WASTEWATER RECLAMATION FACILITY (WWRF); CENTRAL MAUI WWRF/WAIKAPU WWRF. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE COUNTY OF MAUI CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	COM	23,500 C	C
			COM	23,500 S	S
			COM	1 P	P
SUB501 - COUNTY OF KAUAI					
20.		CAPTAIN COOK MEMORIAL PARK, KAUAI PLANS, DESIGN, AND CONSTRUCTION TO REPAIR RETAINING WALLS, REPLACE FENCING AND REHABILITATE TENNIS COURTS AT TMK (4) 1-6-010:005 (CAPTAIN COOK MEMORIAL PARK, A.K.A. WAIMEA HIGH SCHOOL FIELD), PROVIDED THAT PARTIAL MATCHING FUNDS BE PROVIDED BY THE COUNTY OF KAUAI; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	COK	2,600 C	C
			COK	650 S	S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
21.		KAUAI DEPARTMENT OF WATER REVISED ENVIRONMENTAL REVIEW PROJECT, KAUAI			
		PLANS AND DESIGN FOR AN ENVIRONMENTAL REVIEW DOCUMENT TO RE-EVALUATE AND ALLOW THE CONSTRUCTION THE DOW'S WATER PLAN 2020 NO. PLH-35B CONSTRUCT KAPAIA CANE HAUL ROAD 19-INCH MAIN PROJECT. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE COUNTY OF KAUAI CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.			
		TOTAL FUNDING	COK	375C	C
			COK	375S	S

PART VI. CAPITAL IMPROVEMENT PROGRAM PROVISIONS

SECTION 8. 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 balances thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
G-142	\$16,830,000 C”

SECTION 9. Any law to the contrary notwithstanding, the appropriations under Act 88, Session Laws of Hawaii 2021, section 26, as amended by Act 248, Session Laws of Hawaii 2022, section 5, in the amounts indicated or balances thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
D-3.02	\$4,300,000 C
E-8.01	15,000,000 C
K-10.01	12,000,000 B
K-20	23,500,000 C
K-20	23,500,000 S”

SECTION 10. Act 88, Session Laws of Hawaii 2021, section 26, as amended by Act 248, Session Laws of Hawaii 2022, section 5 is amended as follows:

- (a) By amending item C-81.05 to read:

ACT 164

“81.05. [BRIDGE REHABILITATION/REPLACEMENT] HIGHWAY STRUCTURAL FACILITIES PROGRAM. [VARIOUS LOCATIONS.] STATEWIDE

LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE [REHABILITATION OR REPLACEMENT OF EXISTING STATE HIGHWAYS- BRIDGES-] REPLACEMENT, UPGRADE, REHABILITATION, AND/OR MAJOR REPAIR OF HIGHWAY STRUCTURES, INCLUDING BRIDGES, TUNNELS, METAL CULVERTS, AND DESTINATION SIGN STRUCTURES. 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”

(b) By amending item K-11.02 to read:

“11.02 HALULU FISHPOND, HANALEI, KAUAI

LAND ACQUISITION GRANT TO THE WAIPA FOUNDATION FOR THE ACQUISITION OF HALULU FISHPOND ACCESS, HALELEA, KAUAI, TO PROTECT AND PRESERVE LAND HAVING VALUE AS A RESOURCE TO THE STATE[;] BY ADDING FUNDS TO AN EXISTING STATE GRANT AWARDED TO WAIPA FOUNDATION UNDER CHAPTER 173A, HAWAII REVISED STATUTES; 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	400 B
	LNR	S	850 S”

(c) By amending item E-14.01 to read:

“14.01 WAIPIO POINT ACCESS ROAD MULTIMODAL PATHWAY AND SAFETY IMPROVEMENTS, WAIPAHU, OAHU

DESIGN AND CONSTRUCTION GRANT TO SHADE INSTITUTE FOR WAIPIO POINT ACCESS ROAD MULTIMODAL AND SAFETY IMPROVEMENTS[;] PEDESTRIAN SAFETY IMPROVEMENTS FOR ACCESSIBILITY TO WAIPAHU ALOHA CLUBHOUSE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F.

TOTAL FUNDING	TRN	C	2,100 C”
---------------	-----	---	----------

(d) By amending item G-95.29 to read:

“95.29 PUKALANI ELEMENTARY SCHOOL, MAUI

DESIGN AND CONSTRUCTION OF A NEW ADMINISTRATION-LIBRARY BUILDING, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.

TOTAL FUNDING	EDN	C	25,000 C”
---------------	-----	---	-----------

(e) By amending item G-95.30 to read:

“95.30	PUKALANI ELEMENTARY SCHOOL, MAUI	DESIGN AND CONSTRUCTION OF A NEW MULTIPURPOSE COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	5,000C”
	(f) By amending item G-95.59 to read:				
“95.59	KUHIO ELEMENTARY SCHOOL, OAHU	<u>DESIGN AND CONSTRUCTION OF A COVERING FROM CAFETERIA TO [H AND] OTHER BUILDINGS[-]; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.</u>	EDN	C	500C”
	(g) By amending item G-95.25 to read:				
“95.25	KULA ELEMENTARY SCHOOL, MAUI	<u>DESIGN AND CONSTRUCTION OF [CAFETERIA] COMMERCIAL KITCHEN AND WASTEWATER IMPROVEMENTS AT [KEOKAHA] KEOKEA, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.</u>	EDN	C	6,000C”
	(h) By amending item H-13 to read:				
“13.	KAWAIHAE NORTH SMALL BOAT HARBOR, HAWAII	<u>DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO HARBOR DOCK, BREAK WALL AND RELATED IMPROVEMENTS.</u>	EDN	1,600 C	8,000C”
	(i) By amending item G-95.26 to read:				
“95.26	MAKAWAO ELEMENTARY SCHOOL, MAUI	<u>DESIGN AND CONSTRUCTION OF WATER SYSTEM UPGRADES, ADA COMPLIANCE, AND OTHER SCHOOL IMPROVEMENTS, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.</u>	EDN	C	5,000C”

SECTION 11. Provided that the general fund and general obligation bond fund appropriations for Maui Health System, a KFH LLC (HTH214), for fiscal biennium 2023-2025 shall be disbursed by the Hawaii health systems corporation to the Maui Health System, a Kaiser Foundation Hospitals LLC, for its capital subsidies in the respective fiscal years; provided further that the Maui Health System has satisfied all of the standards and conditions of section 323F-58, Hawaii Revised Statutes.

PART VII. ISSUANCE OF BONDS

SECTION 12. AIRPORT REVENUE BONDS. The department of transportation may issue airport revenue bonds for airport capital improvement projects authorized in part II and listed in part V of this Act and designated to

be financed by revenue bond funds or by general obligation bond funds with debt service cost to be paid from special funds, in a principal amount as shall be required to yield the amounts appropriated for the capital improvement projects and, if so determined by the department and approved by the governor, any additional principal amount as may be necessary by the department to pay interest on the airport revenue bonds during the estimated period of construction of the capital improvement projects for which the airport revenue bonds are issued, to establish, maintain, or increase reserves for the airport revenue bonds and to pay the expenses of issuance of the bonds. The airport revenue bonds shall be issued pursuant to part III of chapter 39, Hawaii Revised Statutes, as amended. The principal of and interest on airport revenue bonds, to the extent not paid from the proceeds of the bonds, shall be payable solely from and secured solely by the revenues from airports and related facilities under the ownership of the State or operated and managed by the department and the aviation fuel taxes levied and paid pursuant to sections 243-4(a)(2) and 248-8, Hawaii Revised Statutes, or the parts of either thereof as the department may determine, including rents, landing fees, and other fees or charges presently or hereafter derived from or arising through the ownership, operation, and management of airports and related facilities and the furnishing and supplying of the services thereof, and passenger facility charges pursuant to section 261-5.5, Hawaii Revised Statutes, as amended, as determined by the department. The expenses of the issuance of the airport revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid from the airport revenue fund and passenger facility charge special fund as determined by the department.

The governor, in the governor's discretion, may use the airport revenue fund and passenger facility charge special fund to finance those projects authorized in part II and listed in part V of this Act where the method of financing is designated to be by airport revenue bond funds; provided that the governor shall submit a report to the legislature of all uses 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 regular sessions of 2024 and 2025.

SECTION 13. RENTAL MOTOR VEHICLE CUSTOMER FACILITY REVENUE BONDS. The department of transportation may issue rental motor vehicle customer facility revenue bonds for airport capital improvement projects relating to consolidated rental car facilities authorized in part II and listed in part V of this Act and designated to be financed by revenue bond funds with debt service cost to be paid from the rental motor vehicle customer facility charge special fund, as authorized by section 261-5.6, Hawaii Revised Statutes, in a principal amount as shall be required to yield the amounts appropriated for the capital improvement projects and, if so determined by the department and approved by the governor, any additional principal amount as may be necessary by the department to pay interest on the rental motor vehicle customer facility revenue bonds during the estimated period of construction of the capital improvement projects for which the rental motor vehicle customer facility revenue bonds are issued, to establish, maintain, or increase reserves for the rental motor vehicle customer facility revenue bonds and to pay the expenses of issuance of the bonds. The rental motor vehicle customer facility revenue bonds shall be issued pursuant to part III of chapter 39, Hawaii Revised Statutes, as amended. The principal of and interest on rental motor vehicle customer facility revenue bonds, to the extent not paid from the proceeds of the bonds, shall be payable solely from and secured solely by the revenues from the rental motor vehicle surcharge tax and the rental motor vehicle customer facility charge special fund pursuant to section 261-5.6, Hawaii Revised Statutes, as amended, as

determined by the department. The expenses of the issuance of the rental motor vehicle customer facility revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid from the rental motor vehicle customer facility charge special fund as determined by the department.

The governor, in the governor's discretion, may use the rental motor vehicle customer facility charge special fund to finance those projects authorized in part II and listed in part V of this Act where the method of financing is designated to be by rental motor vehicle customer facility revenue bond funds; provided that the governor shall submit a report to the legislature of all uses 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 2024 and 2025.

SECTION 14. HARBOR REVENUE BONDS. The department of transportation may issue harbor revenue bonds for harbor capital improvement projects authorized in part II and listed in part V of this Act and designated to be financed by revenue bond funds or by general obligation bond funds with debt service cost to be paid from special funds, in a principal amount as shall be required to yield the amounts appropriated for the capital improvement projects and, if so determined by the department and approved by the governor, any additional principal amount as may be deemed necessary by the department to pay interest on the revenue bonds during the estimated construction period of the capital improvement projects for which the harbor revenue bonds are issued, to establish, maintain, or increase reserves for the harbor revenue bonds or harbor revenue bonds heretofore authorized (whether authorized and issued or authorized and still unissued), and to pay the expenses of issuance of the bonds. The harbor revenue bonds shall be issued pursuant to part III of chapter 39, Hawaii Revised Statutes, as amended. The principal of and interest on harbor revenue bonds, to the extent not paid from the proceeds of the bonds, shall be payable solely from and secured solely by the revenues derived from harbors and related facilities under the ownership of the State or operated and managed by the department, including rents, mooring, wharfage, dockage, port entry fees, and other fees or charges presently or hereafter derived from or arising through the ownership, operation, and management of harbor and related facilities and the furnishing and supplying of the services thereof. The expenses of the issuance of the harbor revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid from the harbor special fund. The governor, in the governor's discretion, may use the harbor revenue fund to finance those projects authorized in part II and listed in part V of this Act where the method of financing is designated to be by harbor revenue bond funds; provided that the governor shall submit a report to the legislature of all uses 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 2024 and 2025.

SECTION 15. HIGHWAY REVENUE BONDS. The department of transportation may issue highway revenue bonds for highway capital improvement projects authorized in part II and listed in part V of this Act and designated to be financed by revenue bond funds or by general obligation bond funds with the debt service cost to be paid from special funds, in a principal amount as shall be required to yield the amounts appropriated for the capital improvement projects and, if so determined by the department and approved by the governor, any additional principal amount as may be deemed necessary by the department to pay interest on the highway revenue bonds during the estimated period of construction of the capital improvement projects for which the

highway revenue bonds are issued, to establish, maintain, or increase reserves for the highway revenue bonds or highway revenue bonds heretofore authorized (whether authorized and issued or authorized and still unissued), and to pay all or any part of the expenses related to the issuance of the highway revenue bonds. The highway revenue bonds shall be issued pursuant to part III of chapter 39, Hawaii Revised Statutes, as amended. The principal of and interest on the highway revenue bonds, to the extent not paid from the proceeds of the highway revenue bonds, shall be payable from and secured by the revenues derived from highways and related facilities under the ownership of the State or operated and managed by the department; from the highway fuel taxes, vehicle weight taxes, and vehicle registration fees levied and paid pursuant to sections 243-4, 248-8, 249-31, and 249-33, Hawaii Revised Statutes; from federal moneys received by the State or any department thereof that are available to pay principal of or interest on indebtedness of the State, or the part of any thereof as the department may determine; and from other user taxes, fees, or charges currently or hereafter derived from or arising through the ownership, operation, and management of highways and related facilities and the furnishing and supplying of the services thereof. The expenses related to the issuance of the highway revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid from the state highway fund.

The governor, in the governor's discretion, may use the state highway fund to finance those projects authorized in part II and listed in part V of this Act where the method of financing is designated to be by highway revenue bond funds; provided that the governor shall submit a report to the legislature of all uses 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 2024 and 2025.

PART VIII. SPECIAL PROVISIONS

SECTION 16. Any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized under this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that the appropriations made to be expended in fiscal biennium 2023-2025 which are unencumbered as of June 30, 2026 shall lapse as of that date; provided further that non-general fund appropriations for projects described in part V of this Act where such appropriations have been deemed necessary to qualify for federal aid financing and reimbursement which are unencumbered as of June 30, 2030 shall lapse as of that date.

SECTION 17. With the approval of the governor, designated expending agencies for capital improvement projects authorized in 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 18. Whenever the expending agency to which an appropriation is made is changed due to legislation enacted during any session of the legislature that affects the appropriations made by this Act, the governor shall transfer the necessary funds and positions to the proper expending agency as provided by law.

SECTION 19. With the approval of the governor, expending agencies that use operating appropriations authorized in part II of this Act for planning,

land acquisition, design, construction, and equipment for repair and alterations may delegate responsibility and transfer funds to the construction program (AGS221) for the implementation of the repair and alterations, when it is determined by the agencies that it is advantageous to do so.

SECTION 20. Agencies with appropriations authorized in part II of this Act for risk management costs shall transfer funds authorized for that purpose to risk management (AGS203) for the administration and implementation of state risk management costs and expenses, except as otherwise provided by law.

SECTION 21. With the approval of the governor, the Hawaii health systems corporation in the department of health may transfer to the department of human services funds appropriated to the Hawaii health systems corporation for the care and treatment of patients, whenever the department of human services can utilize such funds to match federal funds which may be available to help finance the cost of outpatient, acute hospital, or long term care of indigents or medical indigents in designated critical access hospitals.

SECTION 22. With the approval of the governor, the department of health may transfer to the department of human services funds appropriated to the department of health for the care and treatment of patients, whenever the department of human services can utilize such funds to match federal funds to finance the cost of outpatient, hospital, or skilled nursing home care of indigents or medical indigents.

PART IX EXPENDITURE CEILING

SECTION 23. In accordance with section 9 of article VII 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 expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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.²

PART X. MISCELLANEOUS AND EFFECTIVE DATE

SECTION 24. 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 25. In the event manifest clerical, typographical or other mechanical errors are found in this Act, the governor is hereby authorized to correct such errors.

ACT 165

SECTION 26. Material to be repealed is bracketed and stricken. New material in prior enacted laws is underscored.

SECTION 27. This Act shall take effect on July 1, 2023.

(Approved June 30, 2023.)

Notes

1. Item vetoed, replaced, and initialed “JG”.
2. So in original.

ACT 165

S.B. NO. 7

A Bill for an Act Relating to the School Facilities Authority.

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

SECTION 1. The legislature finds that, occasionally, statutes require clarifying amendments. While often technical, these amendments can include substantive elements, which should be thoroughly considered.

The legislature further finds that section 13 of Act 217, Session Laws of Hawaii 2021, replaced the terms “department”, “board”, or “board of education” with “school facilities authority” in section 302A-1151.1, Hawaii Revised Statutes. The amended statute, however, contains redundant and confusing references that need clarification.

The purpose of this Act is to make necessary amendments to clarify certain references to the school facilities authority used in section 302A-1151.1, Hawaii Revised Statutes.

SECTION 2. Section 302A-1151.1, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) There shall be established within the school facilities authority a pilot program for the lease of public school land, including facilities. The school facilities authority, in consultation with ~~[the school facilities authority and]~~ any other appropriate agency, shall serve as the facilitator of the pilot program.”

2. By amending subsection (d) to read:

“(d) Nothing in this section shall preclude the school facilities authority from working with and receiving assistance from any other ~~[school facilities authority]~~ department or agency in carrying 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 upon its approval.

(Approved July 3, 2023.)

ACT 166

S.B. NO. 105

A Bill for an Act Relating to Education.

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

SECTION 1. Act 205, Session Laws of Hawaii 2018, mandates that the department of education create a quarterly report about, among other things, students with autism spectrum disorder, staffing requirements, and Medicaid reimbursements. However, the quarterly report is a burdensome reporting requirement for the department with few changes reflected between each period. Changing the requirement to an annual report would provide a more equitable balance between the benefit of having the informational report and the associated additional workload.

The purpose of this Act is to amend the reporting period from quarterly to annually under Act 205, Session Laws of Hawaii 2018.

SECTION 2. Act 205, Session Laws of Hawaii 2018, section 6, is amended by amending subsection (c) to read as follows:

“(c) After the submission of the initial report to the legislature and board of education pursuant to subsection (b), the department of education shall submit ~~[quarterly reports]~~ an annual report to the legislature and board of education; provided that the ~~[quarterly reports]~~ annual report shall include the following:

- ~~[(1)]~~ ~~The number of students diagnosed with autism spectrum disorder;~~
- ~~(2)]~~ (1) The number of students [with] eligible for special education and related services under the category of autism spectrum disorder [as part of their] who have an individualized education [plan;] program;
- ~~[(3)]~~ (2) The number of students requiring applied behavior analysis;
- ~~[(4)]~~ (3) Staffing updates and needs;
- ~~[(5)]~~ (4) Medicaid reimbursement schedules and amounts;
- ~~[(6)]~~ (5) Licensure updates; and
- ~~[(7)]~~ (6) Any other information pertinent to the implementation 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 July 3, 2023.)

ACT 167

S.B. NO. 1340

A Bill for an Act Relating to the Practice of Behavior Analysis.

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

SECTION 1. The legislature finds that the department of education is finding it more difficult to attract and retain qualified licensed behavior analysts for the public school system. Staff shortages lead to students not obtaining adequate support in their education. While the department continues to build its internal capacity for its applied behavior analysis services to meet the licensure requirements under chapter 465D, Hawaii Revised Statutes, a large portion

of the services provided must be contracted through a statewide contract at a high cost. To be able to continue providing adequate support to students, the department requires options to utilize qualified and competent personnel who may be able to implement applied behavior analysis services in direct collaboration with a licensed behavior analyst or licensed psychologist.

The purpose of this Act is to:

- (1) Reinstate and make permanent the exemption from the behavior analyst licensing requirements for teachers working in collaboration with a licensed behavior analyst or licensed psychologist;
- (2) Expand the exemption for registered behavior technicians to implement applied behavior analysis services under the direction of a licensed psychologist;
- (3) Reinstate and make permanent the exemption for individuals who implement applied behavior analysis services to participants in the medicaid home and community-based services waiver program; and
- (4) Require the department of education to report to the legislature on the status of implementing medicaid reimbursements for applied behavior analysis services.

SECTION 2. Section 465D-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) This chapter is not intended to restrict the practice of other licensed or credentialed practitioners practicing within their own recognized scopes of practice and shall not apply to:

- (1) A licensed psychologist and any supervisee of the licensed psychologist; provided that applied behavior analysis services performed are within the boundaries of the licensed psychologist’s education, training, and competence; provided further that neither the licensed psychologist nor any supervisee of the licensed psychologist purports to be a licensed behavior analyst; ~~and~~ provided further that master’s level practitioners and postdoctoral fellows may provide training and supervision to direct support workers, paraprofessionals, caregivers, parents, and guardians in a manner and to the extent determined by the supervising licensed psychologist.

For purposes of this paragraph, “supervisee” means a master’s level practitioner, postdoctoral fellow, direct support worker, paraprofessional, caregiver, parent, or guardian who provides applied behavior analysis services;

- (2) A licensed classroom teacher or an individual who is working as a classroom teacher and is enrolled in a teacher preparation program working towards licensure who implements, but does not design, applied behavior analysis services in a school setting in direct collaboration with a licensed behavior analyst or a licensed psychologist ~~[on or before July 1, 2019]~~;
- (3) An individual who implements or designs applied behavior analysis services and possesses board certification as an assistant behavior analyst by the Behavior Analyst Certification Board and who practices in accordance with the most recent supervisory and ethical requirements adopted by the Behavior Analyst Certification Board under the direction of a licensed behavior analyst;
- (4) An individual who directly implements applied behavior analysis services and[;]

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 when a student who is under the age of eighteen transfers schools, existing law requires the student to submit to the enrolling school a certificate of release obtained from the school last attended. Because minors do not have legal capacity independent of their parents, the legislature further finds that it is more appropriate for the parent or legal guardian of the minor student to produce and submit the certificate of release, unless the student is an emancipated minor.

The legislature also finds that under the McKinney-Vento Homeless Assistance Act of 1987, unaccompanied homeless youth are those youth who are not in the physical custody of a parent or legal guardian and experiencing unstable housing. McKinney-Vento eligible students, including unaccompanied youth, are entitled to enroll in school immediately, even if the student is lacking documents normally required for enrollment or have missed application or enrollment deadlines.

The purpose of this Act is to:

- (1) Adjust the responsibility of producing a certificate of release from certain minor students to the student's parent or legal guardian; and
- (2) Exempt students eligible for assistance provided under the federal McKinney-Vento Homeless Assistance Act of 1987 from having to produce certain student records when transferring schools.

SECTION 2. Section 302A-1145, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1145 Transfer to another school. No school shall receive any [ehild] student under eighteen years of age, ~~[who has attended another school of the same class in the same complex area,]~~ unless the [ehild] student's parent or legal guardian produces to the school in which the student is to be enrolled, a certificate of release of the school last attended by the ~~[ehild-] student; provided that an emancipated minor may produce the minor's own certificate of release.~~ If the [ehild] parent or legal guardian of a student applies for the student to ~~[enroll]~~ be enrolled, or an emancipated minor applies to enroll, in a school of higher grade, a certificate of proficiency ~~[shall be required]~~ or a lawful excuse for its absence~~].~~ ~~The children from one complex area desiring to enter a school in another complex area may be received or enrolled upon producing a certificate of release from the school last attended in the other complex area.]~~ shall be required.

This section shall not apply to students eligible for assistance provided under the federal McKinney-Vento Homeless Assistance Act of 1987, including unaccompanied youth who are not under the physical custody of a parent or legal guardian.”

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, 2024.

(Approved July 3, 2023.)

ACT 169

A Bill for an Act Relating to Early Learning Accreditation.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,065,869,467 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that high-quality early childhood education programs are critical for young children's development. The legislature further finds that accreditation by a national organization is one marker of quality in early childhood education. The legislature also finds that existing service providers unaccredited as of July 1, 2022, who wish to participate in the preschool open doors program must achieve accreditation by July 1, 2029.

Accordingly, the purpose of this Act is to:

- (1) Require the department of human services to establish a child care accreditation program to assist licensed and registered child care providers in obtaining accreditation;
- (2) Extend the deadlines by which existing preschool open doors program service providers are required to commence the accreditation process and obtain accreditation; and
- (3) Appropriate funds for the child care accreditation program.

SECTION 3. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Child care accreditation program; established. (a) The department shall establish and implement a child care accreditation program.

(b) The department shall develop standards, policies, and procedures for the administration of the child care accreditation program, which shall, at minimum:

- (1) Provide upfront grant funding to cover the cost of accreditation by one of the national early learning accrediting organizations, as identified in section 346-184(b), or as approved by the director;
- (2) Provide grant funding for technical assistance to assist an eligible child care provider through the accreditation process; and
- (3) Be available to licensed group child care centers, licensed group child care homes, licensed infant and toddler child care centers, and registered family child care homes.

(c) Requests for grants shall be submitted to the department in accordance with administrative rules adopted by the department to administer the grant program. Each request shall at a minimum state:

- (1) The name of the child care provider requesting grant funds;

- (2) The expenses that are necessary for the child care provider to obtain the accreditation; and
- (3) The age range of the children the child care provider serves.
- (d) Each applicant for a grant shall provide proof that the applicant:
 - (1) Has United States citizenship or permanent United States resident alien status and is a resident of the State at the time of application;
 - (2) Is currently licensed or registered as a child care provider, or is an exempt provider approved by the department;
 - (3) Provides child care at the time of application;
 - (4) Complies with all other federal, state, or county statutes, rules, or ordinances necessary to conduct the activities or provide the services for which a grant is awarded;
 - (5) Complies with all applicable federal and state laws prohibiting discrimination against a person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
 - (6) Agrees not to use state funds for entertainment or lobbying activities;
 - (7) Allows the department, legislative committees and their staff, and the auditor full access to the applicant's records, reports, files, and other related documents and information for the purposes of monitoring, measuring the effectiveness of, and ensuring the proper expenditure of the grant;
 - (8) Is not employed by a child care facility that is part of, owned or operated by, or owned or operated as a private educational institution; provided that an organization or individual that owns or operates both a private educational institution and a child care facility may apply only if the organization or individual can provide evidence that the operations and finances of the private educational institution are completely separate from the operations and finances of the child care facility such that it is clear a grant awarded under this section would not support or benefit the private educational institution in violation of article X, section 1 of the Hawaii State Constitution;
 - (9) Satisfies any other standards that may be required by the source of funding; and
 - (10) Meets all other standards prescribed in rules adopted by the department to implement the grants awarded under this section.
- (e) Each child care provider who, after meeting the requirements of subsection (d), receives grant funds from the department shall be required to obtain accreditation and continue to provide child care for three years after receiving accreditation.
- (f) Each request for grant funds shall be submitted to the department on an application form provided by the department and shall at a minimum contain the information required by subsection (d). The department shall review each request to determine whether the applicant is eligible to receive grant funds and shall make a final decision on each request. The department shall inform each grant applicant of the disposition of the applicant's request. The department shall adopt rules to establish an appeals process for any denial of a request.
- (g) The department shall not release the public funds approved for a grant under this section unless a contract is entered into between the department and the grant recipient. The department shall develop and determine, in consultation with and subject to review and approval of the department of the attorney general, the specific contract form to be used.

(h) Appropriations for grants made under this section shall be subject to the allotment system generally applicable to all appropriations made by the legislature.

(i) Each grant contract executed pursuant to this section shall be monitored by the department to ensure compliance with this section, and shall be evaluated annually to determine whether the grant attained the intended results in the manner contemplated.

(j) Any grant recipient who withholds or omits any material fact or deliberately misrepresents facts to the department shall be in violation of this section and, in addition to other penalties provided by law, any recipient found to have violated this section or the terms of any contract executed pursuant to this section shall be prohibited from applying for any grants awarded by the department for a period of five years from the date of termination.

(k) The child care accreditation program may provide grant funding to cover incidental expenses to allow a child care provider to receive accreditation, including but not limited to expenses for furniture, equipment, or minor renovations.

(l) The department may contract with a service provider in accordance with chapters 103D and 103F, as applicable, to operate the child care accreditation program.

(m) The department shall adopt rules without regard to chapter 91 to administer the child care accreditation program.

(n) The department shall report to the legislature no later than twenty days prior to the convening of each regular session with the number and general location of programs applying for and participating in the child care accreditation program, an aggregated breakdown of the type and amount of costs the program covered for providers, and the percentage of providers receiving preschool open doors program funds that have begun the accreditation process or are currently accredited.

(o) the purposes of this section:

“Grant” means an award of state funds to a specified recipient to support the activities of the recipient and permit the community to benefit from those activities.

“Private educational institution” means a nonpublic entity that provides:

- (1) Educational services for any grades from kindergarten through grade twelve;
- (2) Post-secondary education; or
- (3) Pre-kindergarten level services that are provided by an entity that holds itself out to the public as a school or educational institution, or that are identified by the entity as educational services rather than solely as child care services.

“Recipient” means a child care provider receiving a grant.”

SECTION 4. Section 346-183, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The department shall expend moneys in the special fund to award grants to private entities for ~~the~~;

- (1) The operating costs of new or existing child care facilities~~[-to establish];~~
- (2) The establishment of new child care facilities~~[-or for];~~
- (3) The expansion of existing child care facilities~~[-]; or~~
- (4) Child care accreditation program grants awarded pursuant to section 346- .

(c) [~~Expenditures~~] Except for child care accreditation program grants awarded pursuant to section 346- , expenditures from the fund may be made by the department without allotment."

SECTION 5. Section 346-184, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each service provider of the preschool open doors program shall be accredited or shall obtain accreditation within seven calendar years of first receiving any funds from the preschool open doors program; provided that any existing service provider unaccredited on July 1, 2022, shall commence the accreditation process no later than July 1, [~~2024;~~] 2029, and obtain accreditation by July 1, [~~2029;~~] 2034; provided further that the director may grant to any service provider one or more extensions to obtain accreditation on a case-by-case basis."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,102,100 or so much thereof as may be necessary for fiscal year 2023-2024 for the child care accreditation program established by section 3 of this Act, including the establishment of one full-time equivalent (1.0 FTE) permanent position for the child care accreditation program.

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

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

Notes

- 1. Act 164.
- 2. Edited pursuant to HRS §23G-16.5.

ACT 170

S.B. NO. 1022

A Bill for an Act Relating to the Early Learning Board.

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

SECTION 1. Chapter 302L, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302L- Early learning board; qualifications; administration priorities. (a) Upon the nomination of any voting member to the board established pursuant to section 302L-1.6, the governor shall provide written documentation articulating the administration's goals and priorities with respect to the formation of a highly-functioning, well-balanced board and describing the nominee's qualifications.

- (b) Each nominee shall meet the following minimum qualifications:
 - (1) Demonstrate integrity, civic virtue, and high ethical standards and be willing to hold fellow board members to the same;
 - (2) Commit to being a conscientious and attentive board member;
 - (3) Have an understanding of best practices in early learning governance or be willing to be trained in best practices in early learning governance; and
 - (4) Have a clear understanding of the board's role in developing and protecting a clear, long-term strategic vision for early learning.
- (c) Each nominee shall ideally meet the following qualifications:
 - (1) Have substantial leadership experience that illustrates the nominee's ability to function among diverse colleagues as an effective team member, with the ability to articulate, understand, and help shape consensus on board policies; and

- (2) Demonstrate a deep and abiding interest in early learning and a dedication to the social, academic, and character development of children.”

SECTION 2 Section 302L-1.6, Hawaii Revised Statutes, is amended to read as follows:

“**§302L-1.6 Early learning board.** (a) There is established within the department of education for administrative purposes only an early learning board, whose members shall be appointed by the governor pursuant to section 26-34. The board shall have power, in accordance with law, to formulate state-wide policy relating to early learning. The board shall be responsible for:

- (1) Directing the office on how best to meet the developmental and educational needs of children, from prenatal care to entry into kindergarten;
 - (2) Providing recommendations to the office on improving the quality, availability, and coordination of early learning programs;
 - (3) Promoting collaboration across agencies and stakeholders serving young children; and
 - (4) Appointing the director of the office and evaluating the director on an annual basis.
- (b) The board shall consist of the following voting members:
- ~~(1) A representative of center-based program providers or the representative's designee;~~
 - ~~(2) A representative of family child care program providers;~~
 - ~~(3) A representative of family child interaction learning program providers;~~
 - ~~(4) A representative of philanthropic organizations that support early learning or the representative's designee;~~
 - ~~(5) A representative from a head start provider agency;~~
 - ~~(6) A representative from the Hawaii Early Intervention Coordinating Council;~~
 - ~~(7) A parent representative;~~
 - ~~(8) A representative from the Hawaii chapter of the American Academy of Pediatrics;~~
 - ~~(9) A representative of home-visiting program providers;~~
 - ~~(10) A representative of Hawaiian medium-early learning providers; and~~
 - ~~(11) A representative of the Hawaii Council of Mayors, or the representative's designee.]~~
 - (1) One voting member from the county of Hawaii;
 - (2) One voting member from the county of Maui;
 - (3) One voting member from the county of Kauai;
 - (4) Three voting members from the city and county of Honolulu; and
 - (5) Three at-large voting members.

The superintendent of education, director of human services, director of health, and president of the University of Hawaii shall serve as ex officio, non-voting members of the board.

The board shall invite the chief executive officer of Kamehameha Schools and the executive director of the Hawaii Association of Independent Schools, or their designees, to serve as ~~[voting]~~ ex officio, non-voting members of the board.

~~[(c) Except for the superintendent of education, directors of state departments, president of the University of Hawaii, chief executive officer of Kamehameha Schools, and the executive director of the Hawaii Association of Independent Schools, or their designees, the members of the board shall serve staggered terms as follows:~~

- (1) ~~The representative of center-based program providers shall serve a two-year term;~~
- (2) ~~The representative of family child care program providers shall serve a three-year term;~~
- (3) ~~The representative of family child interaction learning program providers shall serve a three-year term;~~
- (4) ~~The representative of philanthropic organizations that support early learning shall serve a two-year term;~~
- (5) ~~The representative from a head start provider agency shall serve a three-year term;~~
- (6) ~~The representative from the Hawaii Early Intervention Coordinating Council shall serve a three-year term;~~
- (7) ~~The parent representative shall serve a two-year term;~~
- (8) ~~The representative from the Hawaii chapter of the American Academy of Pediatrics shall serve a two-year term;~~
- (9) ~~The representative of home-visiting program providers shall serve a three-year term;~~
- (10) ~~The representative of Hawaiian medium early learning providers shall serve a two-year term; provided that the prohibition against serving more than two consecutive terms not to exceed eight consecutive years pursuant to section 26-34(a) shall not apply to the representative of Hawaiian medium early learning providers' term limit; and~~
- (11) ~~The representative of the Hawaii Council of Mayors shall serve a three-year term.]~~

(c) Notwithstanding any provision to the contrary, the governor shall set the terms of the voting members initially appointed to the board as follows:

- (1) Three voting members shall serve one-year terms;
- (2) Three voting members shall serve two-year terms; and
- (3) Three voting members shall serve three-year terms;

provided that the term of the voting members shall be three years, except as provided for in the initial appointment in this subsection; provided further that voting members shall serve no more than three consecutive three-year terms; provided further that the voting members who are initially appointed to terms of two years or less pursuant to this subsection may be reappointed to three ensuing consecutive three-year terms. If a voting member is nominated to a second or subsequent consecutive term, the senate shall consider the question of whether to reconfirm the voting member at least one hundred twenty days prior to the expiration of the voting member's immediately preceding term; provided that if the senate has not taken final action to reconfirm the voting member by the one hundred twenty-day deadline, the voting member may continue to serve until the senate takes final action on the reconfirmation.

(d) Every voting member may serve beyond the expiration date of the voting member's term of appointment until the voting member's successor has been appointed by the governor or confirmed by the senate.

~~[(d)] (e)~~ The board shall select a chairperson by a majority vote of its voting members. A majority of the voting members serving on the board shall constitute a quorum to conduct business. The concurrence of the majority of the voting members serving on the board shall be necessary to make any action of the board valid.

~~[(e)] (f)~~ The board may form workgroups and subcommittees, including with individuals who are not board members, to:

- (1) Obtain resource information from early learning professionals and other individuals as deemed necessary by the board;

- (2) Make recommendations to the board; and
- (3) Perform other functions as deemed necessary by the board to fulfill its duties and responsibilities.

Two or more board members, but less than a quorum, may discuss matters relating to official board business in the course of their participation in a workgroup or subcommittee, and such discussion shall be a permitted interaction as provided for in section 92-2.5.

~~[(f)]~~ (g) The board may testify before the legislature on any matter related to its duties and responsibilities.

~~[(g)]~~ (h) Members of the board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.”

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

SECTION 4. This Act shall take effect upon its approval; provided that the amendments made to section 302L-1.6, Hawaii Revised Statutes, shall not be repealed when that section is reenacted on June 30, 2025, pursuant to Act 173, Session Laws of Hawaii 2021, section 3, as amended by Act 109, Session Laws of Hawaii 2022, section 14.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 171

H.B. NO. 961

A Bill for an Act Relating to Early Learning.

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

PART I

SECTION 1. Section 346-184, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Accreditation under this section shall be obtained from one or more of the following national early learning accrediting organizations:

- (1) National Association for the Education of Young Children;
- (2) National Early Childhood Program Accreditation;
- (3) National Association for Family Child Care; or
- (4) An accrediting organization approved by the director~~;~~ ~~provided that the accrediting organization is comparable to the organizations specified in paragraphs (1) through (3)].”~~

PART II

SECTION 2. Section 302L-7, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The office shall implement an application process for schools that are interested in participating in the program. The criteria to prioritize applications shall include:

- (1) Community need, including:
 - (A) The percentage of the population in the school or community that meets the definitions of at-risk and underserved children pursuant to section 302L-1; and
 - (B) The availability and capacity of existing early learning programs or services for three- and four-year-old children on the school campus and in the surrounding area;
- (2) The availability of a classroom and outdoor play area that meet department of human services requirements for health and safety for three- and four-year-old children; and
- (3) The commitment of the principal to implementing a high-quality prekindergarten program including through active participation in professional development sessions offered through the office, and to promoting continuity and alignment between and across other early learning programs in the community and other grade levels in the school to ensure the positive outcomes of children are sustained.
- (c) The program shall serve ~~children in the year prior to the year of kindergarten eligibility,~~ three- and four-year-old children who are in the two years prior to kindergarten entry pursuant to section 302A-411, with priority extended to underserved or at-risk children, as defined in section 302L-1, and follow the academic year schedule of the department of education and be aligned with the full-day kindergarten classroom schedule of each school. Enrollment priority shall be given but is not limited to children who attend prekindergarten at schools to which the children will be assigned upon entering kindergarten under section 302A-1143.”

SECTION 3. Section 346-181, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Subject to the availability of funds, the program shall serve three- and four-year-old children[;] who are in the two years prior to kindergarten entry pursuant to section 302A-411, with priority extended in the following order to:

- (1) Children who are not eligible to attend public school kindergarten in the calendar year in which they turn five years of age because their birth date occurs after the kindergarten eligibility date pursuant to section 302A-411; ~~and~~
- (2) Underserved or at-risk [children,] four-year-old children who were previously served as a three-year-old child, as defined by rules adopted by the department[-];
- (3) Four-year-old children who were previously served as a three-year-old child;
- (4) Four-year-old children;
- (5) Underserved or at-risk three-year-old children, as defined by rules adopted by the department; and
- (6) Three-year-old children.”

SECTION 4. Act 210, Session Laws of Hawaii 2021, is amended by amending section 14 to read as follows:

“SECTION 14. This Act shall take effect upon its approval; provided that:

- (1) Section 5 shall be repealed on July 1, 2022, and section ~~[302L-7,]~~ 302L-7(o) and (p), Hawaii Revised Statutes, shall be reenacted in

- the form in which it read on the day prior to the effective date of this Act;
- [(2) Section 6 shall be repealed on July 1, 2024, and section 346-181, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act;] and
- [(3)] (2) Section 11 shall take effect on July 1, 2021.”

PART III

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; provided that section 3 of this Act shall take effect on January 1, 2024.

(Approved July 3, 2023.)

ACT 172

S.B. NO. 941

A Bill for an Act Relating to the School Facilities Authority.

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

SECTION 1. The legislature finds that Hawaii continues to suffer from a shortage of licensed teachers as Hawaii’s teacher salaries continue to trail the nation when adjusted for cost of living. Providing financial incentives and affordable options for teacher housing are key strategies for teacher recruitment and retention. Teacher housing is also a well-established tool for teacher recruitment and retention of educators serving in hard-to-fill areas. As housing represents a significant portion of each teacher’s paycheck, the legislature recognizes that sites should be developed to provide affordable housing options to teachers to address the ongoing teacher shortage.

Accordingly, the purpose of this Act is to:

- (1) Provide the school facilities authority with powers necessary to develop housing projects on school lands; and
- (2) Appropriate funds, out of the school facilities special fund for the construction of housing prioritized for teachers, educators, and staff and classrooms.

SECTION 2. Section 302A-1703, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Except as otherwise limited by this chapter, the authority may also:

- (1) Have a seal and alter the same at its pleasure;
- (2) Subject to subsection (b), make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this subpart;
- (3) Make and alter bylaws for its organization and internal management;
- (4) Adopt rules pursuant to chapter 91 with respect to its projects, operations, properties, and facilities, including qualifications for persons and entities wishing to enter into a public-private partnership with the authority, as permitted in paragraph (7);
- (5) Acquire or contract to acquire by grant or purchase real, personal, or mixed property or any interest therein; to clear, improve, and

- rehabilitate and to sell, assign, exchange, transfer, convey, lease, subdivide, or otherwise dispose of or encumber the same;
- (6) Acquire property by condemnation pursuant to chapter 101;
 - (7) Enter into partnerships with qualified persons, including public-private partnerships, as defined in the authority's rules, to acquire, construct, reconstruct, rehabilitate, improve, alter, or provide for the construction, reconstruction, improvement, or alteration of any project; and sell, assign, transfer, convey, exchange, lease, or otherwise dispose of or encumber any project; and in the case of the sale of any project, accept a purchase money mortgage in connection therewith;
 - (8) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on terms and conditions as it deems advisable;
 - (9) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, or alteration of any project, and from time to time to modify the plans, specifications, designs, or estimates;
 - (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) Apply for and accept gifts or grants in any form from any public agency or from any other source, including gifts or grants from private individuals and private entities;
 - (12) Borrow money or procure loan guarantees from the federal government for or in aid of any project the authority is authorized to undertake pursuant to this chapter. Additionally, in connection with borrowing or procurement of loan guarantees, the authority:
 - (A) Shall comply with conditions required by the federal government pursuant to applicable regulation or required in any contract for federal assistance;
 - (B) Shall repay indebtedness incurred pursuant to this section, including any interest thereon;
 - (C) May execute loan and security agreements and related contracts with the federal government;
 - (D) May issue bonds pledging revenues, assessments, or other taxes as security for indebtedness incurred pursuant to this section; and
 - (E) May enter into financing agreements as that term is defined in section 37D-1;
 - (13) Appoint or retain by contract one or more attorneys who are independent of the attorney general to provide legal services solely in cases of negotiations in which the attorney general lacks the sufficient expertise; provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general;
 - (14) Use the department of human resources development to recruit, hire, and retain exempt employees, architects, engineers, existing civil service positions, and other technical positions for the development, planning, and construction related to capital improvement projects; ~~[and]~~
 - (15) Partner with public and private development agencies to develop:
 - (A) Housing on or off campus; and
 - (B) Classrooms;

- (16) Request any state or county agency to render services to the authority;
- (17) Transfer the property to another public agency or contract to manage the leasing and property management of housing projects; and
- ~~(15)~~ (18) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this subpart.”

SECTION 3. With the approval of the governor, designated expending agencies for capital improvement projects authorized in this Act may delegate to other state or county agencies the authority to implement 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 4. The general fund appropriation for the school facilities authority for fiscal year 2023-2024 for teacher housing in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1¹ (2023), shall be deposited into the school facilities special fund.

SECTION 5. There is appropriated out of the school facilities special fund the sum of \$170,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for:

- (1) The construction of housing prioritized for teachers, educators, and staff; and
- (2) Personnel and other related expenses as deemed appropriate.

The sums appropriated shall be expended by the school facilities authority for the purposes of this Act.

SECTION 6. Housing developed pursuant to section 5 of this Act shall be prioritized for teachers, educators, and staff. The school facilities authority may adopt rules pursuant to chapter 91, Hawaii Revised Statutes, with respect to leasing housing developed by the school facilities authority.

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

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

Note

- 1. Act 164.

ACT 173

S.B. NO. 1344

A Bill for an Act Relating to Educational Health Services.

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

SECTION 1. The legislature finds that all medication requests to be administered by school health assistants are currently reviewed and must be approved by department of health public health nurses. This process ensures that a health care professional has reviewed the medication request and determined that it is safe and appropriate for a student to receive treatment. For

example, some medications would be best administered before or after school and other medications may not be allowed if a school health assistant is not qualified to assess the need for as-needed medication. Medication administration is part of the medication management process and requires clinical supervision by a health care professional, including a registered nurse, advanced practice registered nurse, physician assistant, or physician, to ensure the health and safety of students if unlicensed assistive personnel, such as school health assistants, are utilized.

The legislature also finds that some schools have a registered nurse, advanced practice registered nurse, or other specialized health care provider on campus through written agreements with the department of education. Partnerships with federally qualified health centers and the university of Hawaii at Manoa school of nursing have greatly improved access to health services for students at school and through telehealth. Student care would be more efficient, accessible, and safe if the administration of medication could be performed with the approval of a health care professional within the department of education, the department of health, or a health care service pursuant to a written agreement with the department of education. Existing law prevents health care professionals who are already on campus or in the school community from performing the function of medication approval.

The purpose of this Act is to:

- (1) Update the term “school health aides” to “school health assistants” to reflect updated job titles at the department of education; and
- (2) Allow administration of medications at school by school health assistants with the approval of a health care professional within the department of education, the department of health, or health care service pursuant to a written agreement with the department of education.

SECTION 2. Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of “year round school employee” to read as follows:

“Year round school employee”: any teacher, school administrator, school health ~~[aide,]~~ assistant, educational assistant, school security attendant, or other salaried ten-month department of education employee working in a public school operating under a single-track restructured instructional schedule.”

SECTION 3. Section 302A-708, Hawaii Revised Statutes, is amended to read as follows:

[[§302A-708 Career development opportunities.]] The department ~~[of education]~~ shall provide career pathways development and training opportunities to all school health ~~[aides]~~ assistants in the school health services field and other fields within the department ~~[of education]~~ to ensure the opportunity for continued employment with the department ~~[of education]~~.”

SECTION 4. Section 302A-853, Hawaii Revised Statutes, is amended to read as follows:

§302A-853 Administration of medication. (a) School health ~~[aides]~~ assistants may assist students by administering oral, nasal, and topical medication, and in emergency situations, other premeasured medication; provided that:

- (1) If the student receiving the medication is a minor, a parent or guardian requests and authorizes the administration of medication;
- (2) The medication has been prescribed by a licensed physician, as defined in section 334-1, or by a practitioner with prescriptive authority;

- (3) The administration of the medication is with the approval of [~~the department of health; and~~] a health care professional within the department, department of health, or health care service as defined in section 323D-2 pursuant to a written agreement with the department; and
- (4) The administration of the medication is necessary for the health of the student and for the student's attendance at school.
- (b) For purposes of this section, "health care professional" means a physician, surgeon, and other professional licensed pursuant to chapter 453, or nurse licensed pursuant to chapter 457."

SECTION 5. Section 302A-854, Hawaii Revised Statutes, is amended to read as follows:

"§302A-854 School health [~~aides;~~] assistants; compensation. All full-time school health [~~aides~~] assistants employed in the department shall be employed and have their compensation fixed in accordance with chapter 76 and the appropriate collective bargaining agreement, executive order, executive directive, or rule."

SECTION 6. 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 that is incidental to 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 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 subparagraph (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 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 [~~sueh~~] the nursing described in this paragraph 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~~]¹ assistants as provided in section 302A-853."

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 July 3, 2023.)

Note

1. So in original.

ACT 174

H.B. NO. 503

A Bill for an Act Relating to Computer Science Education.

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

SECTION 1. The legislature finds that the importance of computer science cannot be overstated. Computers have evolved to become a part of everyday life, and an introduction to computer science helps students better understand their digital world and become problem solvers of the future.

The legislature further finds that, according to the Bureau of Labor Statistics, the United States will continue to be transformed by technological advancements rooted in computer programs and applications over the next ten years. Consequently, computing-based occupations now make up more than half of all projected new jobs in the science, technology, engineering, and mathematics fields, commonly known as STEM fields. In the last decade between 2010 and 2020, the number of computer science bachelor's degrees conferred more than doubled from 39,600 to 97,000, respectively, an increase of one hundred forty-five per cent. This means that college graduates with computer science degrees have been, and will continue to be, in high demand among employers across the nation.

Despite this trend, national survey and research results show a disparity between the demand for computer science education and its availability. Although ninety per cent of parents want their children's schools to teach computer science, only fifty-three per cent of schools offer computer science courses. Further, disparities in access and representation are pronounced among traditionally underrepresented groups. For example, women make up just one-third of high school computer science students nationally.

In 2018, the legislature found a similar disparity at the state level. To address this, the legislature passed Act 51, Session Laws of Hawaii 2018, which mandated that all public high schools offer at least one computer science course by the 2021-2022 school year. In 2021, the legislature further expanded those computer science course requirements to elementary, middle, and intermediate schools by enacting Act 158, Session Laws of Hawaii 2021. As a result, excluding "combo" schools, which are schools with combined grade bands, such as Lanai high and elementary school, one hundred per cent of public high schools now offer a foundational computer science course, exceeding the national average, and forty-two per cent of all public schools offer a computer science course.

Despite the success in expanding access to computer science courses since 2018, the State has still fallen short on its enrollment goals for these courses. According to the department of education's Annual Report on Computer Science Courses and Computer Science Content, published in November 2022, just fourteen per cent of unique students were enrolled in a computer science course, with sixteen per cent of those students comprising those in high school. Notably, data isolating the percentage of high school students enrolled out of total high school students in the State was not provided by the report. In

sum, the legislature finds that promoting computer science education remains a statewide necessity.

Accordingly, the purpose of this Act is to require the board of education to:

- (1) Work with the department of education to conduct an analysis on the necessary timeline and appropriate process for implementation of making computer science a graduation requirement by no later than the 2030-2031 school year;
- (2) Based on its analysis, determine whether making computer science a graduation requirement would be in the best interests of public school students and the public;
- (3) Make a determination on how students could be allowed to complete computer science courses as a substitute for core academic courses to satisfy graduation credit requirements, beginning with the 2024-2025 school year; and
- (4) Report to the legislature on its findings and recommendations.

SECTION 2. (a) The board of education shall work with the department of education to analyze the necessary timeline and appropriate process for making computer science a graduation requirement by no later than the 2030-2031 school year.

(b) The board of education shall determine whether making computer science a graduation requirement would be in the best interests of public school students and the public, based on the analysis conducted pursuant to subsection (a).

(c) The board of education shall make a determination on how students can be allowed to complete computer science courses as a substitute for core academic courses to satisfy graduation credit requirements, beginning with the 2024-2025 school year.

(d) The board of education shall submit a report of its findings and recommendations, including proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

SECTION 3. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

ACT 175

H.B. NO. 960

A Bill for an Act Relating to the School Facilities Authority.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$200,000,000 or 2 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,263,767,367

or 12 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (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 2. Section 302A-1701, Hawaii Revised Statutes, is amended by amending the definition of “project” to read as follows:

““Project” means the development and construction of new school facilities, including infrastructure; access and other support for new school facilities; prekindergarten facilities; major renovation of school facilities; public-private partnership projects; new capital improvement projects funded by the legislature for completion by the authority; acquisition of real property, personal property, or mixed property for new school facilities; and planning, development, and leasing of public school land or facilities to private partners pursuant to section 302A-1151.1.”

SECTION 3. Section 302A-1703, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Except as otherwise limited by this chapter, the authority may also:

- (1) Have a seal and alter the same at its pleasure;
- (2) Subject to subsection (b), make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this subpart;
- (3) Make and alter bylaws for its organization and internal management;
- (4) Adopt rules pursuant to chapter 91 with respect to its projects, operations, properties, and facilities, including qualifications for persons and entities wishing to enter into a public-private partnership with the authority, as permitted in paragraph (7);
- (5) Acquire or contract to acquire by grant or purchase real, personal, or mixed property or any interest therein; to clear, improve, and rehabilitate and to sell, assign, exchange, transfer, convey, lease, or otherwise dispose of or encumber the same;
- (6) Acquire property by condemnation pursuant to chapter 101;
- (7) Enter into partnerships with qualified persons, including public-private partnerships, as defined in the authority’s rules, to acquire, construct, reconstruct, rehabilitate, improve, alter, or provide for the construction, reconstruction, improvement, or alteration of any project[;], including prekindergarten facilities; and sell, assign, transfer, convey, exchange, lease, or otherwise dispose of or encumber any project; and in the case of the sale of any project, accept a purchase money mortgage in connection therewith;
- (8) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on terms and conditions as it deems advisable;
- (9) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, or alteration of any project, and from time to time to modify the plans, specifications, designs, or estimates;
- (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) Apply for and accept gifts or grants in any form from any public agency or from any other source, including gifts or grants from private individuals and private entities;
- (12) Borrow money or procure loan guarantees from the federal government for or in aid of any project the authority is authorized to undertake pursuant to this chapter. Additionally, in connection with borrowing or procurement of loan guarantees, the authority:
 - (A) Shall comply with conditions required by the federal government pursuant to applicable regulation or required in any contract for federal assistance;
 - (B) Shall repay indebtedness incurred pursuant to this section, including any interest thereon;
 - (C) May execute loan and security agreements and related contracts with the federal government;
 - (D) May issue bonds pledging revenues, assessments, or other taxes as security for indebtedness incurred pursuant to this section; and
 - (E) May enter into financing agreements as that term is defined in section 37D-1;
- (13) Appoint or retain by contract one or more attorneys who are independent of the attorney general to provide legal services solely in cases of negotiations in which the attorney general lacks the sufficient expertise; provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general;
- (14) Use the department of human resources development to recruit, hire, and retain exempt employees, architects, engineers, existing civil service positions, and other technical positions for the development, planning, and construction related to capital improvement projects; and
- (15) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this subpart.”

SECTION 4. Section 302A-1706, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The school facilities special fund shall be administered by the authority and used to fund any school development, planning, or construction project, including prekindergarten facilities, within the jurisdiction of the authority.”

SECTION 5. Act 257, Session Laws of Hawaii 2022, is amended to read as follows:

“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]~~ 2023-2024 to be deposited into the school facilities special fund.

SECTION 2. There is appropriated out of the school facilities special fund the sum of \$200,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 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;

ACT 176

- (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]~~ the appropriation authorized by this Act shall lapse on June 30, 2024~~[-, shall lapse as of that date].~~

SECTION ~~[2-]~~ 3. This Act shall take effect on July 1, 2022.”

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, 2023.

(Approved July 3, 2023.)

Note

1. Act 164.

ACT 176

H.B. NO. 11

A Bill for an Act Relating to Time Sharing Plans.

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

SECTION 1. Section 514E-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) Any offering of a time sharing plan to the public shall disclose:
- (1) The name and address of the developer and of the time share units;
 - (2) The name and address of the plan manager, if any, and a description of the plan manager’s responsibilities and authority;
 - (3) A description of the time share units, including the developer’s schedule for completion of all buildings, units, and amenities and dates of availability;
 - (4) If the time share plan is located in a condominium property regime, a description of the project and, if the purchaser will own an undivided interest in a fee simple or leasehold condominium unit in the condominium project, a brief description of any pertinent provisions of the project instruments;
 - (5) Any restraints on the transfer of the buyer’s time share interest in the time share units or plan;
 - (6) Whether the time share plan is a time share ownership plan or a time share use plan, along with a description of the rights and responsibilities under said plan;
 - (7) A statement that there is a seven-calendar-day period of mutual rescission;
 - (8) A statement that pursuant to section 514E-11.3, every sale or transfer, made in violation of this chapter is voidable at the election of the purchaser;

- (9) Notice of any material liens, title defects, or encumbrances on or affecting the title to the units or plan[~~;~~] and any other lien, title defect, or encumbrance impacting a purchaser's utilization of the property, as the director may require. For all other liens, title defects, and encumbrances, in lieu of listing these in the disclosure statement, a reference may be made to a website by way of link or otherwise, wherein these items may be listed and thereby disclosed, and be available for review along with a statement that the developer has determined that these liens, title defects, and encumbrances are not expected to directly, substantially, and adversely impact utilization of the property by a purchaser;
- (10) Notice of any pending or anticipated suits that are material to the time share units or plan, of which the developer has, or should have, knowledge;
- (11) The total financial obligation of the purchaser, which shall consist of:
- (A) A statement that the purchaser is obligated to pay the initial price stated in the purchaser's purchase agreement; and
 - (B) A list or description of any additional charges to which the purchaser may be subject;
- (12) An estimate of the dues, maintenance fees, real property taxes, and similar periodic expenses, and the method or formula by which they are derived and apportioned;
- (13) The disclosure statement under subsection (d), if applicable; [~~and~~]
- (14) A list of the primary plan documents.
For purposes of this paragraph:
"Primary plan documents" means the constituent documents of the time share plan, including any time share declaration; any trust agreement; the articles of incorporation and bylaws of the association, if the association is a corporation, or the operating agreement or similar organizational document, if the association is a limited liability company or other entity; the rules for reserving the use of the time share units; and the rules and regulations governing the occupancy of the time share units. "Primary plan documents" does not include supplementary plan documents.
"Supplementary plan documents" means any declaration of annexation, active property declaration, notice of access, notice of conveyance, notice of activation, deed conveying property to the trustee of a time share plan or to the association, and other instruments submitting or committing property to the time share plan or removing property from the time share plan. To the extent that any documents modify the terms and provisions of the time share plan as established in the existing primary plan documents, for example, by establishing a new class or category of time share interest having rights that differ from existing time share interests in the time share plan, the documents shall constitute primary plan documents and shall not constitute supplementary plan documents; and
- [(14)] (15) Other disclosures required by the director, as provided by rules adopted pursuant to chapter 91."

SECTION 2. Section 514E-10.5, Hawaii Revised Statutes, is amended to read as follows:

“§514E-10.5 Consultant review of developer filing. The director may contract with private consultants in connection with the review of the filing required of time share developers pursuant to section 514E-10(a) and [(e)]. The cost of contracting private consultants shall be borne by the developer; provided that the consultant review required under this section shall not affect the scope of the review under section 514E-27 that the director may request for filings that encompass alternative arrangements for purchaser protection. The consultant shall be asked to thoroughly review the filing for the purpose of examining its compliance with the requirements of this chapter and any rule adopted by the director, including the documentation and other provided materials[-]; provided that in lieu of reviewing copies of all encumbrances on title, the consultant shall accept a certification from the developer that the developer has reviewed all encumbrances on title and has determined that the time share interest being sold is free and clear of blanket liens or other material encumbrances that may directly, substantially, and adversely impact utilization of the property by a purchaser, or if that is not the case, identifying the blanket liens or other material encumbrances and either specifying how those encumbrances will be addressed or what the impact of the encumbrances may be to the purchaser. Upon completing the review, the consultant shall provide a written analysis of the filing and an opinion of the nature and extent to which it complies with this chapter and adopted rules. The director may adopt rules pursuant to chapter 91 to further delineate the duties of the consultant in undertaking the review and analysis required pursuant to 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 July 3, 2023.)

ACT 177

H.B. NO. 217

A Bill for an Act Relating to Home Renovations.

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

SECTION 1. The legislature finds that the costs of housing renovations in Hawaii are extremely high. These costs have further increased due to the impact of the coronavirus disease 2019 pandemic on building materials and supply chains. Hawaii’s geographic location also adds to the cost of simple renovations due to shipping and high labor costs.

The legislature further finds that making a house accessible, renovating a bathroom, or modernizing a kitchen adds to home renovation costs and requires a licensed professional engineer or architect for the renovation based on certain cost amounts for work on a particular structure. The legislature also finds that the cost valuations for work on buildings, which are established by statute, are outdated and have not been updated since 1979.

The legislature recognizes that while safeguards for life, health, and property are critical, simple renovations should not require the approval of a licensed professional engineer or licensed architect. This work can be done proficiently by a professional draftsman, engineering technician, or architectural technician. Past legislatures recognized the need to exempt certain building projects of lower

values from chapter 464, Hawaii Revised Statutes (chapter 464), which regulates the practices of professional engineering, architecture, land surveying, and landscape architecture in the State. The legislature therefore finds that it is necessary to update the statute to reflect current valuation costs for work on buildings to qualify for an exemption from chapter 464.

In addition, the legislature finds that chapter 464 does not exempt building permit applicability, although the counties comply with the International Building Code and related codes as adopted by the state building code council. The codes include structural, electrical, and plumbing requirements. To help reduce the high costs of living in the State, updating the cost valuations of work on buildings should save homeowners between \$2,000 and \$6,000 on any given renovation project.

The purpose of this Act is to:

- (1) Update the cost valuations of work on certain residences for the work to qualify for an exemption from the requirement under chapter 464 for plans and specifications to be prepared by a licensed engineer or architect; and
- (2) Clarify work that is not exempt from the requirements of chapter 464.

SECTION 2. Section 464-13, Hawaii Revised Statutes, is amended to read as follows:

“§464-13 Structures exempted from provisions of chapter. (a) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied building~~[- dwelling,]~~ or structure, the estimated cost of which does not exceed \$40,000, nor to any privately controlled two-storied building~~[- dwelling,]~~ or structure, the estimated cost of which does not exceed \$35,000. ~~[However, no structure, dwelling, or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections shall be exempted from this chapter.]~~

(b) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied ~~[structure, which is used primarily as a]~~ residence, the estimated cost of which does not exceed ~~[\$50,000,]~~ \$180,000, nor to any privately owned or privately controlled two-storied ~~[structure, which is used primarily as a]~~ residence, the cost of which does not exceed ~~[\$45,000,]~~ \$162,000.

(c) Whenever the exemption provided for in subsection (b) is applied to the construction of a new ~~[building,]~~ residence, it shall be noted and recorded with the bureau of conveyances.

(d) Notwithstanding subsections (a) and (b), the following work shall not be exempt from the requirements of this chapter:

- (1) Any building, structure, or residence in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections;
- (2) Any structure or improvement for which the State, a county, or political subdivision requires the use of an appropriately licensed design professional, including but not limited to:
 - (A) Structures within special management areas, flood hazard areas, and special design districts; or
 - (B) Improvements resulting from conditional use or other discretionary zoning permits, code compliances or variances, and building permit expediting procedures; and

- (3) Any improvement resulting from rules established by a landowner or an association of owners for private property owned by the landowner or association of owners.”

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 3, 2023.)

ACT 178

H.B. NO. 369

A Bill for an Act Relating to the Public Utilities Commission.

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

SECTION 1. Section 269-19, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) ~~[Except as provided in subsection (b), no]~~ No public utility shall sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of its road, line, plant, system, or other property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, nor by any means, directly or indirectly, merge or consolidate with any other public utility without first having secured from the public utilities commission an order authorizing it so to do~~[-]~~, unless:

- (1) The sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation is done in accordance with subsection (b);
- (2) The public utility is disposing a fully depreciated asset or property with a zero net book value; provided that the disposal:
 - (A) Is made to an unaffiliated entity; and
 - (B) Results in a zero or net reduction to the public utility’s rate base; or
- (3) The public utility is donating a fully depreciated asset or property with zero net book value to a charitable or nonprofit organization.

Every ~~[such]~~ sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation~~[-]~~ that requires authorization from the public utilities commission under this subsection and is made other than in accordance with the order of the commission shall be void.”

SECTION 2. Section 271G-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No water carrier shall sell, lease, assign, mortgage, or otherwise dispose of, or encumber the whole or any part of its property necessary or useful in the performance of transportation services for the public or any certificate of public convenience and necessity; nor shall any water carrier, by any means, directly or indirectly, merge or consolidate its property, certificates of public convenience and necessity, or any part thereof, with any other carrier, without first having secured from the public utilities commission an order authorizing it so to do, ~~[and every such]~~ unless the water carrier is either:

- (1) Disposing a fully depreciated asset or property with a zero net book value; provided that the disposal:
 - (A) Is made to an unaffiliated entity; and

(B) Results in a zero or net reduction to the water carrier's rate base; or

(2) Donating a fully depreciated asset or property with zero net book value to a charitable or nonprofit organization.

Every sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation[-] that requires authorization from the public utilities commission under this subsection and is made other than in accordance with an order of the commission authorizing the same [is] shall be void."

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 3, 2023.)

ACT 179

H.B. NO. 485

A Bill for an Act Relating to Marriage.

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

SECTION 1. The legislature finds that, according to a 2016 report by the Williams Institute on sexual orientation and gender identity law and public policy, Hawaii has the highest percentage of transgender-identifying adults in the United States. The legislature notes that, in general, a transgender-identifying individual experiences high levels of discrimination in all aspects of the individual's life. The legislature also notes that Hawaii has been at the forefront of implementing policies to protect transgender persons and believes that the State should continue to take proactive measures.

The legislature further finds that, according to a 2013 report by the university of Hawaii, gender-stereotypical policies and norms continue to stigmatize and exclude transgender persons in the State. Additionally, according to the 2018 Hawaii Sexual and Gender Minority Health Report by the department of health, the stigmatized minority status of transgender individuals is causing negative and disproportionate health outcomes, fewer economic opportunities, and less sociopolitical power.

The legislature recognizes that Act 148, Session Laws of Hawaii 2019, expanded the gender identity options available on Hawaii driver's licenses and state identification cards, enabling transgender and gender-nonconforming persons to avoid invasive questioning and discriminatory treatment. Accordingly, as of July 1, 2020, any person may specify the person's gender designation as "F", "M", or "X" on a Hawaii driver's license or state identification card. However, under existing law, a transgender-identifying person is limited in changing the person's gender designation on a marriage certificate. Name changes are permitted only within a four-week period after the marriage or through a court order. This makes it difficult and expensive for a transgender-identifying person to update a marriage certificate to reflect the person's identity, causing confusion and stress when the person is asked to produce this documentation.

Accordingly, the purpose of this Act is to require the department of health to issue a new marriage certificate when necessary to reflect a change in name or gender, upon receipt of the required supporting documentation.

SECTION 2. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§338- New certificates of marriage; issuance; gender and sex identifiers. (a) The department of health shall allow any person who possesses a valid certificate of marriage that has been filed with the department and that includes gender and sex identifiers for the person that differ from the person’s changed gender and sex identifiers and, if applicable, changed name, to apply for a new certificate of marriage; provided that the department shall require the applicant to submit the following:

- (1) An application for a new certificate of marriage providing the applicant’s requested:
 - (A) Designation as “bride”, “groom”, “partner”, or “spouse”; and
 - (B) Name, if applicable;
- (2) A copy of one of the following documents:
 - (A) The applicant’s new certificate of birth reflecting the applicant’s change of gender and sex identifier;
 - (B) A government-issued identification document reflecting the applicant’s change of gender and sex identifier, including any change of gender accomplished by an order of any court of any state or territory of the United States, the District of Columbia, or any foreign court; or
 - (C) An affidavit attesting, under penalty of perjury, that the request for a change of the designation of the applicant as “bride”, “groom”, “partner”, or “spouse” is to conform to the applicant’s gender identity and is not made for any fraudulent purpose;
- (3) If the applicant requests that the new certificate of marriage reflect a different name for the applicant than what is provided on the original certificate of marriage, a certified copy of the applicant’s change of name order obtained under section 574-5(a)(1) or (5), including a certified English translation, if applicable; and
- (4) A notarized letter from the current non-applicant spouse consenting to the changes to be made to the original certificate of marriage; provided further that the notarized letter shall substantially contain the following language:

“I, (non-applicant spouse’s full name), stipulate to an issuance of a new certificate of marriage for myself that reflects my spouse’s legal gender, sex, and, if applicable, name.”

(b) Each new certificate of marriage issued pursuant to this section shall:

- (1) Reflect the applicant’s changed:
 - (A) Designation as “bride”, “groom”, “partner”, or “spouse”; and
 - (B) Name, if applicable; and
- (2) Replace the original certificate of marriage.
- (c) No new certificate of marriage issued pursuant to this section shall:
 - (1) Be marked as amended; or
 - (2) Reveal the language of the original certificate of marriage that was changed.

(d) The department of health shall establish fees pursuant to chapter 91 to be paid for the issuance of a new certificate of marriage pursuant to this section.

(e) Upon receipt of the documents submitted pursuant to subsection (a) and the applicant’s payment of the fees established pursuant to subsection (d), the department of health shall:

- (1) Issue to the applicant a new certificate of marriage; and
- (2) Seal and file any documents evidencing the preparation of the new certificate of marriage, including the original certificate of marriage; provided that these documents shall only be opened pursuant to an order of any court of competent jurisdiction within a state, territory, or possession of the United States, or by request of the marriage registrant.

(f) The department of health shall issue a new certificate of marriage to any applicant who satisfies the requirements of this section regardless of the date of the applicable marriage.”

SECTION 3. Section 572-13, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Certified copies of certificate of marriage. The department of health shall deliver one certified copy of the certificate of marriage or the contents or any part thereof as provided in section 338-13 to the persons married. ~~[The certificate shall be prima facie evidence of the fact of marriage in any proceeding in any court.~~

~~The]~~ Upon request, the department of health shall ~~[upon request,]~~ furnish to any applicant additional certified copies of the certificate of marriage or any part thereof.

~~[Copies]~~ Except for any certificate of marriage replaced, sealed, and filed pursuant to section 338-, copies of the contents of any certificate on file ~~[in the department,]~~ with, and certified by, the department shall be considered the same as the original for all purposes ~~[the same as the original].~~

The department may prescribe reasonable fees, if any, to be paid for certified copies of certificates.”

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, 2024.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 180

H.B. NO. 781

A Bill for an Act Relating to Children.

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

SECTION 1. This Act shall be known and may be cited as “James’s Act”.

SECTION 2. The legislature finds that developmental and neurological science concludes that the process of cognitive brain development continues into

adulthood, and that the human brain undergoes dynamic changes throughout adolescence and well into young adulthood.

The legislature recognizes that the Supreme Court of the United States has found that “[c]hildren generally are less mature and responsible than adults, they often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them, and they are more vulnerable or susceptible to . . . outside pressures than adults”. *J.D.B. v. North Carolina*, 564 U.S. 261, 272 (2011) (internal quotation marks and citations omitted). Essentially, “children characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them”. *J.D.B.*, 564 U.S. at 273. The Supreme Court has also found that juveniles “have limited understandings of the criminal justice system and the roles of the institutional actors within it”. *Graham v. Florida*, 560 U.S. 48, 78 (2010).

The legislature notes that custodial interrogation of an individual by the State requires that the individual be advised of the individual’s rights to make a knowing, intelligent, and voluntary waiver of those rights before the interrogation proceeds. However, the legislature believes that children under eighteen years of age, unlike adults, cannot sufficiently comprehend the meaning of their rights and the consequences of a waiver. The legislature therefore finds that children under the age of eighteen lack the requisite mental capacity necessary to waive the assistance of legal counsel prior to speaking to an attorney regarding their legal rights. The legislature additionally finds that parents of children who have been detained by a law enforcement officer should be notified as to where their child is detained.

The legislature notes that according to Human Rights for Kids, in 2023, fifty-three bills were introduced in legislatures throughout the country that require a child to have contact with a parent or legal guardian, as well as legal consultation, prior to waiving their constitutional rights or being subject to a custodial interrogation. California, Maryland, Utah, and Washington have already passed laws implementing similar protections.

The purpose of this Act is to require that when an officer has custody of a child under eighteen years of age for an alleged violation of law, the child shall have contact with legal counsel and, to the extent practicable, a parent, guardian, or legal custodian before the child waives any constitutional rights and before any custodial interrogation.

SECTION 3. Chapter 571, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§571- Contact with counsel; parent, guardian, or legal custodian; consultation. (a) Before the waiver of any right against self-incrimination by and before a custodial interrogation of a child under eighteen years of age, the child shall have contact with legal counsel in person, by telephone, or by video conference, and shall also, to the extent practicable, have contact with a parent, guardian, or legal custodian in person, by telephone, or by video conference. The contact may not be waived.

(b) The court, in determining the admissibility of statements of a child under eighteen years of age made during or after the waiver of any right against self-incrimination or during or after a custodial interrogation, shall consider the effect of any failure of the officer who had custody of the child to take steps to comply with subsection (a).

(c) Any officer who has arrested a child under eighteen years of age shall notify the child’s parent, guardian, or legal custodian that the child has been arrested and shall provide the location of the child’s detainment.”

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 upon its approval.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 181

H.B. NO. 848

A Bill for an Act Relating to the Hawaii Institute for Marine Biology.

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

SECTION 1. The legislature finds that the Hawaii institute of marine biology is a center of innovation for science and technology, place-based education, and indigenous resource management approaches, with a mission to advance understanding and stewardship of oceans and coasts locally and globally.

The Hawaii institute of marine biology hosts a world-class research and education institute that, at present, is critically understaffed, even though it is one of the most complex research operations at the University of Hawaii, and is responsible for maintaining its own entire island infrastructure; overseeing a marine special management area; managing its own National Pollutant Discharge Elimination System permit with the United States Environmental Protection Agency and Hawaii department of health; managing its own photovoltaic power purchase agreement; running its own diving and boating programs; and maintaining all of its own facilities, grounds, and utilities. The institute is home to twenty-eight faculty who are all highly productive and well-recognized for their excellence in various disciplines of tropical marine biology and education, making the institute unlike almost any other marine lab in the world due to the proximity of high-end research facilities to a living coral reef and a dedicated faculty of scientists and science educators.

The legislature further finds that the Hawaii institute of marine biology's twenty-six acre campus and associated facilities bring in nearly \$9,000,000 in research, education, and outreach funds annually. The programs at the institute, which provide direct benefits to local students and the State, are dependent on permanent support staff who possess the institutional knowledge to efficiently navigate the processes of the State and University of Hawaii.

The purpose of this Act is to appropriate funds to establish new permanent support staff positions, which are critical to sustaining daily operations for the initiatives at the Hawaii institute of marine biology.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$65,352 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of one full-time equivalent (1.0 FTE) permanent administrative, professional, and technical building main-

ACT 181

tenance worker II position to support the Hawaii institute of marine biology (UH100).

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$80,766 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of one full-time equivalent (1.0 FTE) permanent administrative, professional, and technical administrative officer position to support the Hawaii institute of marine biology (UH100).

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

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 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of one full-time equivalent (1.0 FTE) permanent administrative, professional, and technical website specialist position to support the Hawaii institute of marine biology (UH100).

The sums appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 5. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$246,118 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,013,485 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 6. 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 7. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

Note

1. Act 164.

ACT 182

H.B. NO. 953

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 residents of and visitors to the State often have difficulty finding the application processes necessary to use lands administered by the department of land and natural resources that are publicly available for recreational purposes, including placing a reservation for a state park camping permit or obtaining a freshwater game fishing license to fish for certain species or to fish in certain areas. Commercial operators desiring to enter the market in the State are also frequently confused about the required authorizations, licenses, and permits necessary to operate on areas administered by the department of land and natural resources, leading to a variety of illegal and unauthorized commercial offerings on the lands.

The legislature further finds that to find the information to begin the application process, an individual must navigate from the department of land and natural resources home website through multiple links to find the appropriate division website that contains the desired information and forms to go through the application process. A website that consolidates all of the forms and application processes required by the department of land and natural resources to conduct outdoor recreational and commercial activities in the State will streamline the application processes and be of great benefit to Hawaii's residents, visitors, and commercial operators.

The purpose of this Act is to require and appropriate funds to the department of land and natural resources to develop and publish a website and mobile application that contains the application processes, including a means of collecting any fee, necessary to acquire a permit, license, or reservation to conduct recreational and commercial activities that are regulated by or under the jurisdiction of the department.

SECTION 2. (a) The department of land and natural resources shall develop and publish a website and an accompanying mobile application that includes all online application processes, including a means of collecting any fee, necessary to acquire a permit, license, or reservation needed to conduct recreational and commercial activities in the State that are regulated by or under the jurisdiction of the department, including but not limited to:

- (1) Permits for a campsite, cabin, or pavilion;
- (2) Licenses and permits to hunt or catch or hatch aquatic life or marine life, as allowed by state and federal law;
- (3) Reservations to access certain state parks;
- (4) Access, collection, research, and other activities;
- (5) Film permits;
- (6) Permits to conduct commercial tours;
- (7) Permits to conduct boating activities;
- (8) Licenses to visit a state-owned park, beach, forest, hiking trail, or other natural area on state land, as designated by rule by the board of land and natural resources; and
- (9) Licenses and permits for any other authorized recreational and commercial activities regulated by the department.

(b) The department of land and natural resources shall convert and make available all existing application processes, including forms required by the application process and the acceptance of any fee payments, to acquire a permit,

license, or reservation needed to conduct recreational and commercial activities in the State that are regulated by or under the jurisdiction of the department into a digital format to be used in the application processes on the department's website and mobile application established pursuant to subsection (a).

(c) The website and mobile application required under subsection (a) shall be accessible to people with disabilities and available in multiple languages, including but not limited to:

- (1) Traditional and simplified Chinese;
- (2) Japanese;
- (3) Korean; and
- (4) Tagalog.

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 2023-2024 for the establishment of a website and mobile application as required pursuant to section 2 of this Act.

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

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$1,000,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,767,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

Note

1. Act 164.

ACT 183

H.B. NO. 1027

A Bill for an Act Relating to Money Transmitters Modernization Act.

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

SECTION 1. Section 489D-4, Hawaii Revised Statutes, is amended as follows:

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

“Money” means a medium of exchange that is authorized or adopted by the United States or a foreign government.

“Receiving money or monetary value for transmission” or “money or monetary value in connection with money transmission” means receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

“Tangible net worth” means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.”

2. By amending the definition of “electronic instrument” to read:

“Electronic instrument” means a card or other tangible object, or an electronic or mobile wallet, for the transmission or payment of money, including a stored value card or device, which contains a microprocessor chip, magnetic stripe, or other means for the storage of information, that is prefunded and for which the value is decremented upon each use~~[-but].~~ “Electronic instrument” does not include a card or other tangible object that is redeemable by the issuer in goods or services.”

3. By amending the definition of “money transmission” to read:

“Money transmission” means to engage in the business of:

- (1) Selling or issuing payment instruments~~[-or]~~ in the State;
- (2) Selling or issuing stored value to a person located in the State; or
- ~~(2)~~ (3) Receiving money or monetary value for transmission ~~[to a location within or outside the United States by any and all means, including wire, facsimile, or electronic transfer.]~~ from a person located in the State.

Money transmission does not apply to courier services.”

4. By amending the definition of “outstanding payment obligation” to read:

“Outstanding ~~[payment]~~ money transmission obligation” means:

- (1) Any payment instrument or stored value issued by the licensee that has been sold in the United States:
 - (A) Directly by the licensee; or
 - (B) By an authorized delegate of the licensee in the United States, which has been reported to the licensee as having been sold, and that has not yet been paid by or for the licensee; and
- (2) All other outstanding money transmission obligations of the licensee issued in the United States.”

5. By amending the definition of “payment instrument” to read:

“Payment instrument” means any electronic or written check, draft, money order, traveler’s check, or other electronic instrument or written instrument or order for the transmission or payment of money, sold or issued to one or more persons, whether ~~[or not]~~ the instrument is negotiable. The term “payment instrument” does not include any ~~[credit card voucher,]~~ stored value card, any letter of credit, or any instrument that is redeemable by the issuer in goods or services.”

6. By amending the definition of “stored value” to read:

“Stored value” means monetary value ~~[that is evidenced by an electronic record.]~~ that represents a claim against the issuer evidenced by an electronic or digital record and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. “Stored value” includes but is not limited to “prepaid access” as defined by title 31 Code of Federal Regulations section 1010.100, as may be amended or recodified. Notwithstanding the foregoing, “stored value” does not include a payment in-

strument or closed loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program.”

SECTION 2. Section 489D-5, Hawaii Revised Statutes, is amended to read as follows:

“§489D-5 Exclusions. (a) This chapter shall not apply to:

- (1) The United States or any department, agency, or instrumentality thereof;
- (2) The United States Postal Service;
- (3) The State or any political subdivisions thereof; ~~and~~
- (4) The electronic transfer of government benefits for any federal, state, or county governmental agency as defined in Consumer Financial Protection Bureau Regulation E, by a contractor for, and on behalf of the United States or any department, agency, or instrumentality thereof, or any state or any political subdivisions thereof[.];
- (5) An operator of a payment system to the extent that the operator provides processing, clearing, or settlement services between or among persons exempted by this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored-value transactions, automated clearing house transfers, or similar fund transfers;
- (6) A person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission itself, provided to the payor by the payee; provided that:
 - (A) There exists a written agreement between the payee and the agent directing the agent to collect and process payments from payors on the payee’s behalf;
 - (B) The payee holds the agent out to the public as accepting payments for goods or services on the payee’s behalf; and
 - (C) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payor’s obligation is extinguished and there is no risk of loss to the payor if the agent fails to remit the funds to the payee;
- (7) A person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender, and the sender’s designated recipient; provided that the entity:
 - (A) Is properly licensed or exempt from licensing requirements under this chapter;
 - (B) Provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and
 - (C) Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender’s designated recipient;
- (8) A person expressly appointed as a third party service provider to, or agent of, an entity exempt under section 489D-9.5, solely to the extent that the service provider or agent is engaging in money transmission on behalf of, and pursuant to, a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; provided that the exempt entity shall assume all risk of loss and all legal responsibility for satisfying

the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent;

- (9) A board of trade designated as a contract market under the federal Commodity Exchange Act, title 7 United States Code sections 1 to 25, as may be amended or recodified, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as, or for, the board;
 - (10) A registered futures commission merchant under the federal commodities laws to the extent of its operation as a registered futures commission merchant;
 - (11) A person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as a registered securities broker-dealer;
 - (12) An individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements of this chapter when acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor; and
 - (13) A person exempt by rule or order if the commissioner finds the exemption to be in the public interest and that the regulation of the person is not necessary for the purposes of this chapter.
- (b) Authorized delegates of a licensee acting within the scope of authority conferred by a written contract under section 489D-21 shall not be required to obtain a license pursuant to this chapter.
- (c) The commissioner may require any person claiming to be exempt from licensing pursuant to this section to provide information and documentation to the commissioner demonstrating that the person qualifies for any exemption claimed under this section.”

SECTION 3. Section 489D-6, Hawaii Revised Statutes, is amended to read as follows:

- “[§489D-6] License qualifications[-]; tangible net worth; good standing.** (a) [Each licensee, at all times, shall have a net worth of not less than \$1,000, calculated in accordance with generally accepted accounting principles.] A licensee shall maintain at all times a tangible net worth of the greater of:
- (1) \$100,000 or three per cent of tangible assets for the first \$100,000,000;
 - (2) Two per cent of additional assets for \$100,000,000 to \$1,000,000,000; and
 - (3) 0.5 per cent of additional assets for over \$1,000,000,000.

Tangible net worth at all times shall be calculated in accordance with generally accepted accounting principles.

(b) Tangible net worth shall be demonstrated at initial application by the applicant's most recent audited financial statements pursuant to section 489D-9(d)(2)(F) and (3)(E).

~~[(b)]~~ (c) Each [eorporate] applicant, at the time of filing an application, and at all times after a license is issued, shall be in good standing in the state of its [incorporation-] formation. All [non-eorporate] applicants, at the time of filing an application for a license under this chapter, and at all times after a license is issued, shall be registered or qualified to do business in the State.

(d) Notwithstanding any provision of this section to the contrary, the commissioner may, for good cause shown, exempt, in part or in whole, any applicant or licensee from the requirements of this section.”

SECTION 4. Section 489D-7, Hawaii Revised Statutes, is amended to read as follows:

“**§489D-7 Bond or other security device.** (a) Each application for a license shall be accompanied by a surety bond, irrevocable letter of credit, or other similar security device acceptable to the commissioner in the amount of ~~[\$10,000]~~ \$100,000 for the initial twelve months of licensure. Thereafter, each licensee shall maintain a bond in the amount required by this subsection ~~[(g)]~~ unless otherwise required by the commissioner. The commissioner may increase the amount of the bond or security device to a maximum of \$500,000 upon the basis of the impaired financial condition of a licensee, as evidenced by a reduction in tangible net worth, financial losses, or other relevant criteria.

(b) The security device shall be in a form satisfactory to the commissioner and shall run to the State for the benefit of any claimants against the licensee to secure the faithful performance of the obligations of the licensee relating to the receipt, handling, transmission, and payment of money or monetary value in connection with money transmissions. In the case of a bond, the aggregate liability of the surety shall not exceed the principal sum of the bond. Claimants against the licensee may bring suit directly on the security device or the commissioner may bring suit on behalf of claimants, either in one action or in successive actions.

(c) To meet the requirement of a security device or of any portion of the principal amount thereof, the licensee may deposit with the commissioner, or with ~~[such]~~ banks in ~~[this]~~ the State as the licensee may designate and the commissioner may approve, cash, interest-bearing stocks and bonds, notes, debentures, or other obligations:

- (1) Of the United States or any agency or instrumentality thereof;
- (2) Guaranteed by the United States;
- (3) Of the State, a county, or instrumentality of the State; or
- (4) Guaranteed by the State,

in an aggregate amount based upon the principal amount or market value, whichever is lower, of ~~[not]~~ no less than the amount of the security device or portion thereof.

(d) The securities or cash deposited pursuant to subsection (c) shall secure the same obligations as would the security device, but the depositor shall:

- (1) Be entitled to receive all interest and dividends thereon;
- (2) Have the right, with the approval of the commissioner, to substitute other securities for those deposited; and
- (3) Be required to substitute other securities for those deposited upon a showing of good cause and written order of the commissioner.

(e) The security device shall remain in effect until cancellation, which may occur only after thirty days written notice to the commissioner. Cancellation shall not affect any liability incurred or accrued during the period.

(f) The security device shall remain in place for no longer than five years after the licensee ceases money transmission operations in the State. Notwithstanding this provision, the commissioner may permit the security device to be reduced or eliminated prior to that time to the extent that the amount of the licensee’s payment instruments outstanding in the State are reduced. The commissioner may also permit a licensee to substitute a letter of credit or other form of security device acceptable to the commissioner for

the security device in place at the time the licensee ceases money transmission operations in the State.

~~[(g) After the initial year of licensure, a licensee shall obtain a bond or other security device of \$5,000 if the licensee's annualized money transmissions as calculated in section 489D-12(a) are less than \$10,000,000. The bond or security device shall be \$10,000 if the licensee's annualized money transmissions as calculated in section 489D-12(a) are \$10,000,000 or more. Each licensee shall perform this calculation on an annual basis.]”~~

SECTION 5. Section 489D-8, Hawaii Revised Statutes, is amended to read as follows:

“§489D-8 Permissible investments and statutory trust. (a) A licensee, at all times, shall possess permissible investments having an aggregate market value, calculated in accordance with generally accepted accounting principles, of ~~[not]~~ no less than the aggregate amount of all outstanding [payment] money transmission obligations. This requirement may be waived by the commissioner if the dollar volume of a licensee's outstanding [payment] money transmission obligations does not exceed the bond or other security devices posted by the licensee pursuant to section 489D-7.

(b) Permissible investments, even if commingled with other assets of the licensee, shall be held in trust for the benefit of the purchasers and holders of the licensee's outstanding [payment] money transmission obligations in the event of [the bankruptcy of the licensee.] insolvency; the filing of a petition by or against the licensee under the United States Bankruptcy Code, title 11 United States Code section 101-110, as may be amended or recodified, for bankruptcy or reorganization; the filing of a petition by or against the licensee for receivership; the commencement of any other judicial or administrative proceeding for its dissolution or reorganization; or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. No permissible investments impressed with a trust pursuant to this section shall be subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of a statutory trust established pursuant to this subsection.

(c) Upon the establishment of a statutory trust in accordance with subsection (b) or when any funds are drawn on a letter of credit pursuant to section 489D-7(a), the licensee or applicant shall notify the commissioner of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice shall be deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, shall be deemed held in trust for the benefit of the purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in the State, and other states, as applicable. Any statutory trust established pursuant to this subsection shall be terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

(d) The commissioner, by rule or by order, may allow other types of investments that the commissioner determines are of sufficient liquidity and quality to be a permissible investment. The commissioner may participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.”

SECTION 6. Sections 489D-12, 489D-18, and 489D-22.5, Hawaii Revised Statutes, are amended by substituting the phrase “outstanding money

ACT 184

transmission obligation”, or similar term, wherever the phrase “outstanding payment obligation”, or similar term, appears, as the context requires.

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

SECTION 8. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

ACT 184

H.B. NO. 1033

A Bill for an Act Relating to the State Building Code Council.

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

SECTION 1. Section 107-22, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established a state building code council. The council shall be placed within the department of accounting and general services for administrative purposes only. The council shall consist of ~~[eleven]~~ twelve voting members and one nonvoting member, who shall be the comptroller or the comptroller’s designee. The council members shall serve four-year terms. The voting members shall include:

- (1) One county building official from each of the four counties appointed by the mayor;
- (2) One member representing the state fire council;
- (3) One member representing the department of labor and industrial relations, who has significant experience in elevator safety;
- (4) One member representing the Hawaii state energy office of the department of business, economic development, and tourism;
- (5) One member representing the Hawaii emergency management agency, appointed by the director of Hawaii emergency management;
- [~~(5)~~] (~~6~~) One member representing the Structural Engineers Association of Hawaii;
- [~~(6)~~] (~~7~~) One member representing the American Institute of Architects, Hawaii State Council;
- [~~(7)~~] (~~8~~) One member representing the Building Industry Association of Hawaii or the General Contractors Association of Hawaii, who has significant experience with building codes, with alternating four-year terms between the two organizations and the first four-year term to be served by the Building Industry Association of Hawaii; and
- [~~(8)~~] (~~9~~) One member representing the Subcontractors’ Association of Hawaii, who has significant experience with building codes.”

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, 2023.

(Approved July 3, 2023.)

ACT 185

H.B. NO. 1036

A Bill for an Act Relating to Homeland Security.

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

SECTION 1. Chapter 128A, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§128A- Hawaii state fusion center. (a) There is established within the office of homeland security a state fusion center that shall be known as the Hawaii state fusion center. The administrator of homeland security, subject to the direction and control of the director, shall oversee the Hawaii state fusion center.

(b) The Hawaii state fusion center shall:

- (1) Be continually staffed to monitor all crimes and hazards and be the focal point for sharing local, national, and international information and context with the national-level intelligence community;
- (2) Collaborate with multi-disciplinary partners, including all levels of local, state, and federal governments and private-sector partners to receive, analyze, and disseminate threat-related information; and
- (3) Coordinate with local, state, and federal agencies for homeland security response activities to include:
 - (A) Furnishing technical assistance to affected agencies to protect their assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;
 - (B) Identifying other agencies that may be at risk and assessing their risk to the same or similar vulnerabilities;
 - (C) Assessing potential risks to the State, including potential cascading effects, and developing courses of action to mitigate these risks;
 - (D) Facilitating information sharing and operational coordination to respond to threats;
 - (E) Establishing and administering a threat assessment management program;
 - (F) Providing guidance as to how best to utilize federal resources and capabilities in a timely, effective manner to accelerate recovery; and
 - (G) Providing intelligence support and related activities and facilitating the building of situational threat awareness and sharing of related intelligence, including the integrated analysis of threat trends and events, the identification of knowledge gaps, and the ability to degrade or mitigate adversary threat capabilities.”

SECTION 2. New statutory material is underscored.¹

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

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

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 update the statutes regarding the statewide interoperable communications executive committee to reflect the migration of the office of homeland security from the department of defense to the department of law enforcement.

SECTION 2. 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~~ no 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;
- (33) The executive director and seven full-time administrative positions of the school facilities authority;
- (34) Positions in the Mauna Kea stewardship and oversight authority; and

~~[(35)]~~ In the office of homeland security of the department of ~~[defense,]~~ law enforcement, 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 3. Section 128A-12, Hawaii Revised Statutes, is amended to read as follows:

~~["§128A-12"]~~ **Statewide interoperable communications executive committee.** There is established within the department of ~~[defense]~~ law enforcement for administrative purposes the statewide interoperable communications executive committee."

SECTION 4. Section 128A-13, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The members of the statewide interoperable communications executive committee shall include the following:

- (1) The ~~[adjutant general]~~ director of law enforcement or the ~~[adjutant general's]~~ director'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) (3) The chairperson of the board of land and natural resources or the chairperson's designee;

- ~~[(5)]~~ (4) The state chief information officer or the chief information officer's designee;
- ~~[(6)]~~ (5) The director of transportation or the director's designee;
- ~~[(7)]~~ (6) The director of health or the director's designee;
- ~~[(8)]~~ (7) The chairperson of the Hawaii enhanced 911 board or the chairperson's designee; and
- ~~[(9)]~~ (8) 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."

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, 2024; provided that the amendments made to section 76-16(b), Hawaii Revised Statutes, by section 2 of this Act shall take effect on January 1, 2024, after the amendments made to that section by section 24 of Act 278, Session Laws of Hawaii 2022, take effect.

(Approved July 3, 2023.)

ACT 187

H.B. NO. 1058

A Bill for an Act Relating to Adoption.

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

SECTION 1. The legislature finds that the effect of adoption as provided for under state law impacts the ability for an adopted individual or the individual's natural family to succeed to a homestead lease or application on the department of Hawaiian home lands applicant waiting list.

The purpose of this Act is to allow an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent while also allowing the adopted individual and member of the individual's natural family to continue to have the same familial relationship. This Act does not affect other requirements under the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules beyond recognition of relationship between individuals. This Act does not create any further exception to the complete termination of a natural parent's rights.

SECTION 2. Section 578-16, Hawaii Revised Statutes, is amended to read as follows:

“§578-16 Effect of adoption. (a) A legally adopted individual shall be considered to be a natural child of the whole blood of the adopting parent or parents as provided in the Uniform Probate Code, relating to the descent of property.

(b) The former legal parent or parents of an adopted individual and any other former legal kindred shall not be considered to be related to the individual as provided in the Uniform Probate Code except as provided in this section.

(c) An adopted individual and the individual's adopting parent or parents shall sustain ~~[towards]~~ toward each other the legal relationship of parents and child and shall have all the rights and be subject to all the duties of that

relationship, including the rights of inheritance from and through each other and the legal kindred of the adoptive parent or parents, the same as if the individual were the natural child of the adopting parent or parents.

(d) Except as provided in subsection (e), all legal duties and rights between the individual and the individual's former legal parent or parents shall cease from the time of the adoption; provided that, if the individual is adopted by ~~[a person]~~ an individual married to a legal parent of the individual, the full reciprocal rights and duties ~~[which]~~ that theretofore existed between the legal parent and the individual, and the rights of inheritance as between the individual and the legal parent and the legal relatives of the parent, as provided in chapter 560, shall continue, notwithstanding the adoption, subject only to the rights acquired by and the duties imposed upon the adoptive parents by reason of the adoption.

(e) Notwithstanding subsections (b) and (d), if an individual is adopted before that individual attains the age of majority and the individual is adopted by:

- (1) ~~[The individual is adopted by a]~~ A spouse of a natural parent of the individual; or
- (2) ~~[The individual is adopted by a]~~ A natural grandparent, ~~[aunt, uncle,]~~ sibling of the individual's natural parent, or sibling of the individual or the spouse of a natural grandparent, ~~[aunt, uncle,]~~ sibling of the individual's natural parent, or sibling;

then for the purposes of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for purposes of determining heirs at law, the rights of the adopted individual and the individual's descendants with respect to the individual's natural family shall not be affected by the adoption, and they shall be included in any determination of heirs or members of any class, unless specifically excluded by name or class.

(f) An adopted individual, who by reason of subsection (e) would be a member of two or more designations or classes pursuant to a single instrument, both by relationship through a natural parent and through an adoptive parent, shall be entitled to benefit by membership in only one of these designations or classes, which shall be the larger share.

(g) An adopted individual shall be considered as a child of both the adopted and natural parents for the sole purpose of determining familial relationships, including the conditions of leases and identification of successors to lessees under sections 208 and 209 of the Hawaiian Homes Commission Act, 1920, as amended.

~~[(g)]~~ (h) For purposes of this section, if ~~[a person]~~ an individual has been adopted more than once, the term "natural parent" includes an adopting parent by an earlier adoption.

~~[(h)]~~ (i) An individual legally adopted under the laws of any state or territory of the United States or under the laws of any nation shall be accorded the same rights and benefits in all respects as an individual adopted under this chapter."

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 3, 2023.)

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 the procurement of professional services pursuant to section 103D-304, Hawaii Revised Statutes, currently requires a selection committee to rank a minimum of three persons based on the selection criteria and send the ranking to the head of the purchasing agency to begin negotiations. This requirement was upheld in *Asato v. Procurement Policy Board*, 322 P.3d 228 (Haw. S. Ct. 2014). However, when an agency procures professional services and does not receive the requisite number of responses, it must continue to re-solicit. This forces the procuring official to continue expending time and resources to fulfill the solicitation and, if the requisite number of responses is never received, leaves the agency no options to proceed.

Accordingly, the purpose of this Act is to allow agencies to rank fewer than three persons for professional services when fewer than three qualified persons respond to the solicitation or request to use alternative procurement procedures when no qualified person responds to the solicitation.

SECTION 2. Section 103D-304, Hawaii Revised Statutes, is amended to read as follows:

“§103D-304 Procurement of professional services. (a) Professional services shall be procured in accordance with sections 103D-302, 103D-303, 103D-305, 103D-306, or 103D-307, or this section; provided that design professional services furnished by licensees under chapter 464 shall be procured pursuant to this section or section 103D-307. Contracts for professional services shall be awarded on the basis of demonstrated competence and qualification for the type of services required, and at fair and reasonable prices.

(b) At a minimum, before the beginning of each fiscal year, the head of each purchasing agency shall publish a notice inviting persons engaged in providing professional services [~~which~~] that the agency anticipates needing in the next fiscal year, to submit current statements of qualifications and expressions of interest to the agency. Additional notices shall be given if:

- (1) The response to the initial notice is inadequate;
- (2) The response to the initial notice does not result in adequate representation of available sources;
- (3) New needs for professional services arise; or
- (4) Rules adopted by the policy board so specify.

The chief procurement officer may specify a uniform format for statements of qualifications. Persons may amend these statements by filing a new statement prior to the date designated for submission.

(c) The head of the purchasing agency shall designate a review committee consisting of a minimum of three persons with sufficient education, training, and licenses or credentials for each type of professional service [~~which~~] that may be required. In designating the members of the review committee, the head of the purchasing agency shall ensure the impartiality and independence of committee members. The names of the members of the review committee established under this section shall be placed in the contract file.

The committee shall review and evaluate all submissions and other pertinent information, including references and reports, and prepare a list of qualified persons to provide these services. Persons included on the list of qualified persons may amend their statements of qualifications as necessary or appropriate. Persons shall immediately inform the head of the purchasing agency of any

change in information furnished [~~which~~] that would disqualify the person from being considered for a contract award.

(d) Whenever during the course of the fiscal year the agency needs a particular professional service, the head of the purchasing agency shall designate a selection committee to evaluate the statements of qualification and performance data of those persons on the list prepared pursuant to subsection (c) along with any other pertinent information, including references and reports. The selection committee shall be comprised of a minimum of three persons with sufficient education, training, and licenses or credentials in the area of the services required. In designating the members of the selection committee, the head of the purchasing agency shall ensure the impartiality and independence of committee members. The names of the members of a selection committee established under this section shall be placed in the contract file.

(e) The selection criteria employed in descending order of importance shall be:

- (1) Experience and professional qualifications relevant to the project type;
- (2) Past performance on projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies;
- (3) Capacity to accomplish the work in the required time; and
- (4) Any additional criteria determined in writing by the selection committee to be relevant to the purchasing agency's needs or necessary and appropriate to ensure full, open, and fair competition for professional services contracts.

(f) The selection committee shall evaluate the submissions of persons on the list prepared pursuant to subsection (c) and any other pertinent information [~~which~~] that may be available to the agency, against the selection criteria. The committee may conduct confidential discussions with any person who is included on the list prepared pursuant to subsection (c) regarding the services [~~which~~] that are required and the services they are able to provide. In conducting discussions, there shall be no disclosure of any information derived from the competing professional service offerors.

(g) The selection committee shall rank a minimum of three persons based on the selection criteria and send the ranking to the head of the purchasing agency. The contract file shall contain a copy of the summary of qualifications for the ranking of each of the persons provided to the head of the purchasing agency for contract negotiations. If more than one person holds the same qualifications under this section, the selection committee shall rank the persons in a manner that ensures equal distribution of contracts among the persons holding the same qualifications. The recommendations of the selection committee shall not be overturned without due cause.

(h) The head of the purchasing agency or designee shall negotiate a contract with the first ranked person, including a rate of compensation [~~which~~] that is fair and reasonable, established in writing, and based upon the estimated value, scope, complexity, and nature of the services to be rendered. If a satisfactory contract cannot be negotiated with the first ranked person, negotiations with that person shall be formally terminated and negotiations with the second ranked person on the list shall commence. The contract file shall include documentation from the head of the purchasing agency, or designee, to support selection of other than the first ranked or next ranked person. Failing accord with the second ranked person, negotiations with the next ranked person on the list shall commence. If a contract at a fair and reasonable price cannot be negotiated, the selection committee may be asked to submit a minimum of three

additional persons for the head of the purchasing agency to resume negotiations in the same manner provided in this subsection. Negotiations shall be conducted confidentially.

(i) If, after ten business days, fewer than three qualified persons respond to the additional notice of need posted pursuant to subsection (b), the purchasing agency may submit a request to the head of the purchasing agency, except as provided in paragraph (3), for approval to proceed under this subsection. Submissions shall be evaluated by the selection committee in accordance with subsection (e); provided that:

(1) For two qualified persons, the selection committee shall rank the qualified persons based on the criteria in subsection (e). If both persons hold the same qualifications, the selection committee shall rank the persons in a manner that ensures equal distribution of contracts among persons holding the same qualifications. The ranking shall be provided to the head of the purchasing agency for negotiations conducted in the manner set forth in subsection (h). The rankings of the selection committee shall not be overturned without due cause;

(2) For one qualified person, the selection committee shall first evaluate the person's qualifications and may then provide the name of the person to the head of the purchasing agency to negotiate a contract at a fair and reasonable price. If the head of the purchasing agency determines in writing that either the price of the offer received is not fair and reasonable, or that the qualifications of the offeror are not adequate to meet the procurement needs, the head of the purchasing agency may request approval from the chief procurement officer to proceed as if no person had responded;

(3) If no qualified person responds, the head of the purchasing agency may determine in writing that the need for the service continues and that there is no time for resolicitation or that resolicitation would likely be futile; provided that when making this determination, consideration shall be given to time constraints and competition in the marketplace; provided further that:

(A) In the event of this determination, the head of the purchasing agency shall submit a written request to the chief procurement officer for approval to engage in direct negotiations with a qualified person. The written request shall be made on a "Notice of No Interest" form provided by the chief procurement officer and shall include the following:

- (i) The date of the solicitation notice and the estimated dollar amount of the contract; and
- (ii) The names of persons on the list, including the situation in which no person responds; and

(B) If the requirements of subparagraph (A) are met, negotiations may proceed; provided that:

- (i) The chief procurement officer shall post a copy of the request on an internet site accessible to the public for seven days;
- (ii) Any objections to the request shall be submitted in writing and received by the chief procurement officer within the seven-day public posting period; and
- (iii) The chief procurement officer has approved the request, after considering the circumstances of each individual case; and

(4) The determinations required by this subsection shall be final and conclusive unless the determinations are clearly erroneous, arbitrary, capricious, or contrary to law.

~~(4)~~ (j) Contracts awarded under this section for \$5,000 or more shall be posted electronically within seven days of the contract award by the chief procurement officer or designee and shall remain posted for at least one year. Information to be posted shall include, but not be limited to:

- (1) The names of the persons submitted under subsection (g)~~];~~ or (i);
- (2) The name of the person or organization receiving the award;
- (3) The dollar amount of the contract;
- (4) The name of the head of the purchasing agency or designee making the selection; and

(5) Any relationship of the principals to the official making the award.

~~(4)~~ (k) Contracts for professional services of less than the limits in section 103D-305, may be negotiated by the head of the purchasing agency, or designee, with at least any two persons on the list of qualified persons established pursuant to subsection (c). Negotiations shall be conducted in the manner set forth in subsection (h), with ranking based on the selection criteria of subsection (e) as determined by the head of the agency.

~~(4)~~ (l) In cases of awards made under this section, nonselected professional service providers may submit a written request for debriefing to the chief procurement officer or designee within three working days after the posting of the award of the contract. Thereafter, the head of the purchasing agency shall provide the requester a prompt debriefing in accordance with rules adopted by the policy board. Any protest by the requester pursuant to section 103D-701 following debriefing shall be filed in writing with the chief procurement officer or designee within five working days after the date that the debriefing is completed.”

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 July 3, 2023.)

ACT 189

H.B. NO. 1509

A Bill for an Act Relating to Common-Interest Developments.

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

SECTION 1. The legislature finds that common-interest developments are the fastest growing form of housing in the world and a significant form of land development in the State. Common-interest developments exist in a variety of forms in the State, including condominium property regimes, planned communities, and cooperative housing corporations. In these developments, individuals own property within the development, share ownership and use of common property with all other owners, and participate in a system of self-governance through an association or corporation of the owners within the development.

The legislature further finds that the governance documents of the association or corporation provide the manner for resolving any disputes that may arise within the development. However, while owners within condominium associations may also request the department of commerce and consumer affairs, including the real estate commission and regulated industries complaints office, to facilitate in the resolution of or intervene in a dispute, the owners in other developments are unable to request such support. Instead, the owners in those developments must privately resolve their disputes through their internal processes or the judicial process. Such a resort may be costly to the owner in comparison to the gravity of the dispute and an alternative mechanism for oversight should be examined.

Accordingly, the purpose of this Act is to:

- (1) Establish a planned community association oversight task force to examine the rights afforded to owners in a condominium property regime governed by chapter 514B, Hawaii Revised Statutes, and determine the feasibility of extending any of those rights to members of planned community associations governed by chapter 421J, Hawaii Revised Statutes; and
- (2) Establish a condominium property regime task force to examine and evaluate issues regarding condominium property regimes governed by chapter 514B, Hawaii Revised Statutes, and conduct an assessment of the alternative dispute resolution systems that were established by the legislature.

SECTION 2. (a) There is established a planned community association oversight task force within the department of commerce and consumer affairs for administrative purposes that shall consist of the following members:

- (1) A representative of the department of commerce and consumer affairs, to be designated by the director of commerce and consumer affairs;
- (2) A member of the house of representatives, to be designated by the speaker of the house of representatives;
- (3) A member of the senate, to be designated by the president of the senate; and
- (4) Any additional members as deemed necessary by the task force.

(b) The task force shall:

- (1) Examine rights afforded to owners in a condominium property regime governed by chapter 514B, Hawaii Revised Statutes, and determine the feasibility of extending any of those rights to members of planned community associations governed by chapter 421J, Hawaii Revised Statutes;
- (2) Investigate whether additional duties and fiduciary responsibilities should be placed on members of the boards of directors of planned community associations; and
- (3) Develop any legislation necessary to effectuate the purposes of this subsection.

(c) The members of the task force shall serve without compensation, but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses.

(d) 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 2024.

(e) The task force 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 2025.

(f) The task force shall cease to exist on June 30, 2025.

SECTION 3. (a) There is established a condominium property regime task force within the department of commerce and consumer affairs for administrative purposes that shall consist of the following members:

(1) A representative of the department of commerce and consumer affairs, to be designated by the director of commerce and consumer affairs;

(2) A member of the house of representatives, to be designated by the speaker of the house of representatives;

(3) A member of the senate, to be designated by the president of the senate; and

(4) Any additional members as deemed necessary by the task force.

(b) The task force shall:

(1) Examine and evaluate issues regarding condominium property regimes governed by chapter 514B, Hawaii Revised Statutes, and conduct an assessment of the alternative dispute resolution systems that have been established by the legislature;

(2) Investigate whether additional duties and fiduciary responsibilities should be placed on members of the boards of directors of condominium property regimes; and

(3) Develop any legislation necessary to effectuate the purposes of this subsection.

(c) The members of the task force shall serve without compensation, but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses.

(d) 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 2024.

(e) The task force 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 2025.

(f) The task force shall cease to exist on June 30, 2025.

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

(Approved July 3, 2023.)

ACT 190

S.B. NO. 151

A Bill for an Act Relating to Law Enforcement Reform.

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

SECTION 1. Chapter 139, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§139- Law enforcement use of force policies. (a) Any department or agency employing a law enforcement officer shall maintain a policy that provides a minimum standard on the use of force that shall include:

- (1) A requirement that law enforcement officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible;
- (2) A requirement that a law enforcement officer may only use a level of force that the law enforcement officer reasonably believes is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance;
- (3) A requirement that law enforcement officers report potential excessive force to a superior law enforcement officer when present and observing another law enforcement officer using force that the observing law enforcement officer believes to be beyond that which is necessary, as determined by an objectively reasonable law enforcement officer under the circumstances, based upon the totality of information actually known to the observing law enforcement officer;
- (4) Clear and specific guidelines regarding situations in which law enforcement officers may or may not draw a firearm or point a firearm at a person;
- (5) A requirement that law enforcement officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm;
- (6) Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents;
- (7) A requirement that a law enforcement officer intercede when present and observing another law enforcement officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable law enforcement officer under the circumstances, taking into account the possibility that other law enforcement officers may have additional information regarding the threat posed by a subject;
- (8) Comprehensive and specific guidelines regarding approved methods and devices available for the application of force;
- (9) An explicitly stated requirement that law enforcement officers carry out duties, including use of force, in a manner that is fair and unbiased;
- (10) Comprehensive and specific guidelines for the application of deadly force;
- (11) Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident;
- (12) The role of supervisors in review of use of force applications;
- (13) A requirement that law enforcement officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so;
- (14) Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by law enforcement officers, investigators, and supervisors;
- (15) Training and guidelines regarding vulnerable populations, including children; elderly persons; people who are pregnant; and people having physical, mental, and developmental disabilities;
- (16) Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted;
- (17) Factors for evaluating and reviewing all use of force incidents;

- (18) Minimum training and course titles required to meet the objectives in the use of force policy; and
 - (19) A requirement for the regular review and updating of the use of force policy to reflect evolving practices and procedures.
- (b) Each department or agency employing a law enforcement officer shall make its use of force policy adopted pursuant to this section accessible to the public.
- (c) A department or agency's use of force policies and training pursuant to this section may be introduced as evidence in proceedings involving a law enforcement officer's use of force.

§139- Reports of use of excessive force by law enforcement officers. (a) It shall be the duty of a law enforcement officer who observes another law enforcement officer using force that the observing law enforcement officer believes to be beyond that which is necessary, as determined by an objectively reasonable law enforcement officer under the circumstances, based upon the totality of information actually known to the observing law enforcement officer to notify the division head of the law enforcement officer who exercised the use of excessive force. The notice shall be submitted in writing immediately or as soon as is practicable after observing the use of excessive force.

(b) After receiving written notification, the division head shall complete an investigation pursuant to subsection (c) as soon as practicable and notify the state department deputy director or chief of police of the respective county, as applicable, of the outcome of the investigation in writing.

(c) Any division head who receives a report of use of excessive force under this section shall immediately begin conducting an investigation and reach a timely determination on the merits. If the division head determines that sufficient evidence shows that the law enforcement officer used excessive force, the name of the law enforcement officer who exercised the use of excessive force and act of excessive force shall be disclosed to the state department deputy director or chief of police of the respective county, as applicable. If the division head determines that evidence of use of excessive force is insufficient, the division head shall provide the state department deputy director or chief of police of the respective county, as applicable, with the outcome of the investigation but shall redact any personally identifiable information of the individuals involved in the investigation.

(d) Within fifteen days of receiving written notification of the outcome of the investigation, the state department deputy director or chief of police who received the written notification shall notify the state department director or police commission of the respective county, as applicable, of the outcome of the investigation in writing.

(e) If the department head or division head is the subject of the use of excessive force report, the reporting law enforcement officer shall report to:

- (1) In the case of a state department head or division head, the attorney general; or
- (2) In the case of a county department head or division head, the police commission of the respective county,

who shall be responsible for the investigation.

(f) The attorney general or police commission who receives a report of use of excessive force pursuant to subsection (e) shall begin conducting an investigation as soon as practicable and reach a timely determination on the merits.

(g) No discriminatory, disciplinary, or retaliatory action shall be taken against any reporting law enforcement officer for any information provided or

ACT 191

disclosed by the reporting law enforcement officer in good faith in the course of making a report of use of excessive force under this section.

(h) For purposes of this section:

“Department head” means the official or officer having the most managerial or administrative authority in the state department or county agency, including the chief of police.

“Division head” means the official or officer who, subject to the authority of the department head, has the most managerial or administrative authority within a division in the state department or county agency.

“Excessive force” means force that is beyond what is reasonably necessary, as determined by an objectively reasonable law enforcement officer, under the circumstances as actually and reasonably known to the law enforcement officer exercising the force.”

SECTION 2. Section 139-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person may be appointed as a law enforcement officer unless the person:

- (1) Has satisfactorily completed a basic program of law enforcement training approved by the board; ~~[and]~~
- (2) Has received training designed to minimize the use of excessive force, including legal standards, de-escalation techniques, crisis intervention tactics, mental health response, implicit bias, and first aid; and
- ~~[(2)]~~ (3) Possesses other qualifications as prescribed by the board for the employment of law enforcement officers, including minimum age, education, physical and mental standards, citizenship, good conduct, moral character, and experience.”

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

SECTION 4. This Act shall take effect on January 1, 2024.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 191

S.B. NO. 214

A Bill for an Act Relating to Public Transit.

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

SECTION 1. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§711- Interference with the operation of a public transit vehicle.**

(1) A person commits the offense of interference with the operation of a public transit vehicle if the person intentionally, knowingly, or recklessly causes:

- (a) Damage of a public transit vehicle, resulting in the vehicle’s removal from service; or
- (b) The unreasonable interruption of a public transit system or service.
- (2) As used in this section, “public transit vehicle” includes:

- (a) Any public paratransit vehicle providing service to the disabled;
 - (b) Any transit vehicle used for the transportation of passengers in return for legally charged fees or fares, including any taxi; and
 - (c) Any transit vehicle owned or operated by a government entity, including any school bus.
- (3) Interference with the operation of a public transit vehicle shall be a violation; provided that interference with the operation of a public transit vehicle that results in serious bodily injury to, or death of, any person, shall be a class C felony.”

SECTION 2. Section 711-1112, Hawaii Revised Statutes, is amended by amending subsections (1) and (2) to read as follows:

“(1) A person commits the offense of interference with the operator of a public transit vehicle if the person interferes with ~~[the operation of a public transit vehicle]~~ or lessens the ability of the operator to operate the public transit vehicle by:

- (a) Intentionally, knowingly, or recklessly causing bodily injury to the operator of the public transit vehicle; or
 - (b) Threatening, by word or conduct, to cause bodily injury to the operator of the public transit vehicle with the intent to terrorize, or in reckless disregard of the risk of terrorizing the operator of the public transit vehicle.
- (2) For the purposes of this section, “public transit vehicle” ~~[is a]~~ means:
- (a) Any public paratransit vehicle providing service to the disabled~~[-any];~~
 - (b) Any¹ transit vehicle used for the transportation of passengers in return for legally charged fees or fares, including any taxi; or
 - (c) Any transit vehicle owned or operated by a government entity, including any school bus~~[-or any taxi].~~”

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.²

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

(Approved July 3, 2023.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

ACT 192

S.B. NO. 318

A Bill for an Act Relating to Fetal Alcohol Spectrum Disorders.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37 91 and 37 93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300,

H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023 2024 to be exceeded by \$1,064,252,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023 2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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 2. The legislature finds that fetal alcohol spectrum disorders are lifelong physical, developmental, behavioral, and intellectual conditions caused by prenatal exposure to alcohol. According to the Centers for Disease Control and Prevention, up to one in five school children in the United States may have a fetal alcohol spectrum disorder. Fetal alcohol spectrum disorders are more prevalent than autism disorders, spina bifida, cerebral palsy, and Down syndrome combined.

The legislature recognizes that individuals with fetal alcohol spectrum disorders face unique challenges. For example, while children with autism spectrum disorders share many of the same behavioral characteristics and related mental health diagnoses as children with fetal alcohol spectrum disorders, the latter tend to also struggle with feelings of being different from others, difficulties following through with instructions, emotional dysregulation, sleep disturbance, indiscriminate affection with strangers, dishonesty, learning difficulties, and difficulties in understanding the causes and consequences of behaviors. Further, due to diffuse brain damage, children with fetal alcohol spectrum disorders may also exhibit startled responses; suffer from depression, often in teenage years; be unable to take initiative; be unable to manage or comprehend time; lose their temper; be argumentative with those in authority; and appear defiant. Although many of these behaviors may appear to resemble typical teenage behaviors, many individuals with fetal alcohol spectrum disorders retain these behaviors through adulthood.

The legislature also finds that fetal alcohol spectrum disorders may impact an estimated seventy thousand eight hundred people living in Hawaii. Of the nearly seventeen thousand babies born annually in the State, as many as eight hundred forty are estimated to have fetal alcohol spectrum disorders. However, even using best practices, few children in Hawaii are diagnosed with fetal alcohol spectrum disorder. Within foster care and adoptive families, eighty-five per cent of children with fetal alcohol spectrum disorders are not diagnosed, or are misdiagnosed. Raising a child with a fetal alcohol spectrum disorder costs thirty times more than the cost of successful prevention efforts, and fetal alcohol spectrum disorders cost the State an estimated \$876,000,000 annually.

Of the 174,000 students in Hawaii schools, as many as eight thousand seven hundred may have fetal alcohol spectrum disorders, yet far fewer are diagnosed. Many individuals with fetal alcohol spectrum disorders have normal intelligence quotient scores but function below their chronological age, and many students with fetal alcohol spectrum disorders do not qualify for services dedicated to those with developmental disabilities, even when the students are correctly diagnosed. Fetal alcohol spectrum disorders are not tracked in special education, and most schools lack trained staff and the ability to support students with fetal alcohol spectrum disorders. By age thirteen, more than sixty per cent of students with fetal alcohol spectrum disorders may experience trouble with law enforcement, and individuals with fetal alcohol spectrum disorder

ders face high rates of incarceration and recidivism. A high percentage of older youths and adults with fetal alcohol spectrum disorders struggle with independent living and unemployment. More than ninety per cent of individuals with fetal alcohol spectrum disorders will develop comorbid mental health conditions.

The legislature further finds that a multidisciplinary system of care is necessary to improve outcomes for individuals with fetal alcohol spectrum disorders and promote health equity. This system of care must leverage existing resources to make a definitive diagnosis, provide appropriate therapy, and modify a treatment plan in accordance with reassessment results.

Accordingly, the purpose of this Act is to:

- (1) Require the department of health to establish and administer a three-year pilot program to implement a co-management system of care for the diagnosis and treatment of individuals with fetal alcohol spectrum disorders; and
- (2) Appropriate funds for the pilot program and an annual public awareness campaign.

SECTION 3. (a) The department of health shall establish and administer a three-year pilot program with a primary and secondary prevention component and tertiary prevention component that implements a co-management system of care for persons with a fetal alcohol spectrum disorder in which the primary care provider; behavioral health provider; and fetal alcohol spectrum disorders specialist with a specialization in genetics, pediatric neurology, developmental-behavioral, or other applicable field; each plays a role.

(b) The co-management system shall operate as follows:

- (1) The primary care provider shall refer a patient who screens positive for a fetal alcohol spectrum disorder to a fetal alcohol spectrum disorders specialist;
- (2) At least one fetal alcohol spectrum disorders specialist shall make a diagnosis, establish a treatment plan, and refer the patient back to the primary care provider. The diagnostic assessment and written treatment plan shall be provided to the primary care provider;
- (3) The primary care provider shall refer the patient to a behavioral health provider in accordance with the treatment plan and provide appropriate information, including the diagnostic assessment and treatment plan, to the behavioral health provider;
- (4) The primary care provider, behavioral health provider, or both, shall involve the patient's family and school in accordance with the recommendations of the treatment plan;
- (5) The behavioral health provider shall provide the recommended treatment, including medication and other modalities, and shall provide periodic reports to the primary care provider;
- (6) The primary care provider shall monitor the patient's progress via contact with the patient and communication from the family, school, and behavioral health provider, in accordance with the treatment plan;
- (7) If the patient's progress is not satisfactory, the primary care provider shall refer the patient back to the fetal alcohol spectrum disorders specialist; and
- (8) The fetal alcohol spectrum disorders specialist shall reassess the patient, make any necessary modifications to the treatment plan with input from the primary care provider and behavioral health provider, and refer the patient back to the primary care provider.

ACT 193

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$450,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the establishment and administration of a three-year pilot program to implement a co-management system of care for the diagnosis and treatment of individuals with fetal alcohol spectrum disorders; provided that the appropriation 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, 2026, shall lapse as of that date.

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

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$35,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the establishment of an annual public awareness campaign on preventing fetal alcohol spectrum disorder.

The sum appropriated shall be expended by the state council on developmental disabilities for the purposes of this Act.

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

Note

1. Act 164.

ACT 193

S.B. NO. 390

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, is amended by amending section 13 to read as follows:

“SECTION 13. This Act shall take effect on July 1, 2021[; ~~provided that section 2 shall be repealed on July 1, 2027.~~”

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

SECTION 3. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

ACT 194

S.B. NO. 478

A Bill for an Act Relating to Telecommunications and Cable Industry Information Reporting.

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

SECTION 1. Section 206R-1, Hawaii Revised Statutes, is amended by amending the definitions of “broadband infrastructure” and “broadband service” to read as follows:

~~“Broadband infrastructure” [shall have the same meaning as in section 440J-1.] means the medium used to provide broadband service, including fiber optic cable, copper cable, coaxial cable, and wireless media, such as satellite communications, wireless networks, and worldwide interoperability for microwave access.~~

~~“Broadband service” [shall have the same meaning as “broadband access or broadband service” in section 440J-1.] means an always-on service that includes but is not limited to computer processing capabilities, information provision, and computing interactivity with data transport, which enables end users to access the Internet and use a variety of applications at minimum speeds established by the Federal Communications Commission. “Broadband service” does not include wireless network infrastructure or facilities used to provide wireless services over licensed spectrum.”~~

SECTION 2. Section 356D-11.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) As used in this section:

~~“Broadband infrastructure” [has the same meaning as in section 440J-1.] means the medium used to provide broadband service, including fiber optic cable, copper cable, coaxial cable, and wireless media, such as satellite communications, wireless networks, and worldwide interoperability for microwave access.~~

~~“Broadband service” [has the same meaning as “broadband access or broadband service” in section 440J-1.] means an always-on service that includes but is not limited to computer processing capabilities, information provision, and computing interactivity with data transport, which enables end users to access the Internet and use a variety of applications at minimum speeds established by the Federal Communications Commission. “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 3. Section 481-9.5, Hawaii Revised Statutes, is amended by amending subsection (j) to read as follows:

“(j) This section shall not apply to any:

- (1) Financial institution subject to chapter 412 to the extent that the financial institution is engaged in activities regulated pursuant to chapter 412;
- (2) Insurer subject to chapter 431, 432, or 432D to the extent that the insurer is engaged in activities regulated pursuant to those chapters;
- (3) Telecommunications provider subject to chapter 269; and
- (4) Cable operator subject to chapter 440G ~~[or 440J]~~ to the extent that the provider is engaged in activities regulated pursuant to ~~[those chapters]~~ chapter 440G or the Federal Communications Commission.”

SECTION 4. Chapter 440J, Hawaii Revised Statutes, is repealed.

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 3, 2023.)

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. Section 46-13.1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§46-13.1~~]]~~ **Volunteer fire stations.** (a) The council of the several counties may establish and maintain one or more volunteer fire stations in any area or areas of the county as it may determine to be necessary to provide adequate fire protection. All necessary facilities and equipment for the volunteer fire stations may be furnished by the county. The officers, firefighters, or other personnel necessary for the operation or maintenance of these stations shall be selected and appointed by the fire chief partially or entirely on a voluntary noncompensatory basis ~~[and]~~, except as otherwise provided in this section. All volunteer personnel for any volunteer fire station shall serve at the pleasure of the fire chief.

(b) The fire chief of the county shall have full authority and control over all volunteer fire stations, their equipment, apparatus, officers, firefighters, and personnel, and the fire chief may designate a suitable person to be in charge of any volunteer fire station. Suitable instructors may be assigned from time to time by the fire chief to such fire stations for the training of volunteer firefighters and personnel.

(c) In case any person serving in the capacity of volunteer personnel for the fire station, including a volunteer officer or firefighter, sustains any injury or dies as a result of any accident arising out of and in the course of training, or the performance of duty for such fire station, the person shall be entitled to the benefits provided for volunteer personnel in part V of chapter 386, and be considered to be an employee of the county for the purpose of obtaining compensation benefits under chapter 386. Compensation benefits shall be determined upon the basis of average weekly wages computed as set forth in section 386-51, and upon the basis of earnings from the usual employment of the person, or upon the basis of earnings at the rate of \$18 per week, whichever is most favorable to the claimant or claimants~~[-]~~; provided that for volunteer firefighters, average weekly wages shall be computed as set forth in section 386-181(c). The director of labor and industrial relations shall administer the provisions ~~[hereof]~~ in this subsection in accordance with section 386-172.

(d) Any provision to the contrary notwithstanding, volunteer personnel, including officers and firefighters, shall be entitled to subsistence in amounts deemed proper by the council of the respective counties.”

SECTION 2. Section 386-181, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(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;
- (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]~~ may 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 July 3, 2023.)

ACT 196

S.B. NO. 739

A Bill for an Act Relating to Desecration.

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

SECTION 1. The legislature finds that television, movies, and social media have depicted Hawaii as an extremely attractive destination for sightseeing and outdoor adventures. Although tourism benefits the State by generating economic activity, the legislature recognizes the need to ensure that visitors and residents treat cultural and historic resources with care and respect. Importantly, the islands are home to a number of geological and archaeological features that are sacred to Native Hawaiians, including features that are considered places of worship or burial. Notwithstanding, in late 2022, a tourist filmed himself urinating and making a vulgar hand gesture atop Mauna Kea, a mountain of sacred reverence to Native Hawaiians. Even more recently, during the 2023 eruption of Kilauea, a man photographed himself urinating near the Kilauea viewing site and posted it to social media. These events highlight the continuing need to protect Hawaii’s cultural and historic resources.

The purpose of this Act is to increase protection of the State’s cultural and historic resources and facilitate enforcement of state law prohibiting acts of desecration by:

- (1) Expanding the requisite state of mind for the criminal offense of desecration to include “knowingly”; and
- (2) Simplifying the definition of “desecrate”.

SECTION 2. Section 711-1107, Hawaii Revised Statutes, is amended by amending subsections (1) and (2) to read as follows:

“(1) A person commits the offense of desecration if the person intentionally or knowingly desecrates:

- (a) Any public monument or structure;
- (b) A place of worship or burial; or
- (c) In a public place, the national flag or any other object of veneration by a substantial segment of the public.

(2) [~~“Desecrate”~~] As used in this section, “desecrate” means defacing, damaging, polluting, or otherwise physically mistreating [in a way that the defendant knows will outrage the sensibilities of persons likely to observe or discover the defendant’s action.] any monument, structure, place, or object described in subsection (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.

ACT 197

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, 2023.

(Approved July 3, 2023.)

ACT 197

S.B. NO. 798

A Bill for an Act Relating to Time Sharing.

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

SECTION 1. The legislature finds that the State's time share law was adopted by the legislature in 1980. At the time, there was considerable concern over where in the State time sharing should be permitted. In particular, there was concern over whether the introduction of time sharing in residential areas such as Hawaii Kai or Kailua would be disruptive to the residential character of those neighborhoods.

The legislature further finds that to address this concern, the 1980 time share law required that the counties amend their zoning ordinances to designate areas appropriate for time sharing and transient vacation rentals. The 1980 time share law also prohibited time sharing and transient vacation rentals in areas not zoned for time sharing.

The legislature additionally finds that to enforce the zoning requirements for time sharing and transient vacation rentals, the regulations adopted by the department of commerce and consumer affairs require that developers submit a written confirmation of county zoning form. This form must be signed by the county where the time share units are located and is intended to confirm that the time share plan meets statutory zoning limitations.

The legislature notes that the State's time share law was intended to address only the zoning of Hawaii property and not apply to non-Hawaii property. The 1980 time share law does not attempt to impose or enforce the zoning requirements applicable to out-of-state time share units, nor does the law require that developers submit evidence that out-of-state time share units comply with the zoning laws where the time share units are located.

The purpose of this Act is to clarify that, for out-of-state time share units, a developer is responsible for ensuring that the use of units for time sharing purposes complies with the zoning and land use laws and rules of the jurisdiction where the time share units are located and that it is not necessary for the developer to submit evidence of such compliance as part of the registration process.

SECTION 2. Section 514E-10, Hawaii Revised Statutes, is amended to read as follows:

“§514E-10 Registration required; developer, acquisition agent, plan manager, and exchange agent; registration renewal. (a) A developer shall not offer or dispose of a time share unit or a time share interest unless the disclosure statement required by section 514E-9 is filed with the director pursuant to the time specified in this chapter, or the development is exempt from filing, and the time share plan to be offered by the developer is accepted by the director for registration under this chapter. The director shall not accept a developer's time share plan if the developer does not possess a history of honesty, truthfulness, financial integrity, and fair dealing.

(b) An acquisition agent (including the developer if it is also the acquisition agent) shall register under this chapter by filing with the director a statement setting forth the time sharing plan for which it is providing prospective purchasers, its address, the telephone number, other information required by the director as provided by rules adopted pursuant to chapter 91, and, if the acquisition agent is not a natural person, the name of the responsible managing employee; provided that an acquisition agent licensed under chapter 467 as a real estate broker shall not be required to register under this chapter. All acquisition agents not licensed under chapter 467 shall be approved by the director. The director shall not approve any acquisition agent who is not of good character and who does not possess a reputation for honesty, truthfulness, and fair dealing. The acquisition agent shall furnish evidence that the acquisition agent is bonded as required by rules adopted by the director pursuant to chapter 91 to cover any violation by the acquisition agent of any solicitation ordinance or other regulation governing the use of the premise or premises in which the time share plan is promoted; provided that the acquisition agent shall be separately bonded for each time share plan for which it is providing prospective purchases.

(c) A plan manager (including the developer if it is also the plan manager) shall register under this chapter by filing with the director a statement setting forth the time sharing plan that it is managing, its principal office address, telephone number, and responsible managing employee. The plan manager shall furnish evidence that the plan manager is bonded as required by rules adopted by the director pursuant to chapter 91 to cover any default of the plan manager and any of its employees of their duties and responsibilities; provided that the plan manager shall be separately bonded for each time share plan under the management of the plan manager.

(d) An exchange agent (including the developer if it is also an exchange agent) shall register under this chapter by filing with the director a statement setting forth the time sharing plan for which it is offering exchange services, its principal office address and telephone number, and designate its responsible managing employee.

(e) Any plan manager or developer registration required in this section shall be renewed by December 31 of each even-numbered year, and any acquisition agent or exchange agent registration required in this section shall be renewed on December 31 of each odd-numbered year; provided that this subsection shall not relieve the person required to register from the obligation to notify the director promptly of any material change in any information submitted to the director, nor shall it relieve the developer of its obligation to promptly file amendments or supplements to the disclosure statement, and to promptly supply the amendments or supplements to purchasers of time share interests.

(f) An application for renewal of a developer registration shall be on a form prescribed by the director and shall include:

- (1) A current disclosure statement that meets the requirements of section 514E-9 and section 16-106-3, Hawaii Administrative Rules, if not already on file;
- (2) A statement that is certified by the developer to be true and correct in all respects and that identifies, as appropriate:
 - (A) The time share units in the time share plan registered pursuant to this chapter; the total number of time share interests registered for sale in each unit pursuant to this chapter; and the total number of time share interests that have not yet been sold as of the date specified in the developer's certification, which date shall not be more than sixty days prior to the date of the developer's certification; or

- (B) The property in the time share plan registered pursuant to this chapter; the total number of points registered for sale in each property pursuant to this chapter; and the total number of points in the time share plan that have not yet been sold as of the date specified in the developer’s certification, which date shall not be more than sixty days prior to the date of the developer’s certification;
- (3) If the developer is a corporation, partnership, joint venture, limited liability company, or limited liability partnership, an original certificate of good standing issued by the business registration division of the department of commerce and consumer affairs not more than forty-five days before the date of submission of the renewal application; and
- (4) The biennial renewal fee.
- (g) Developers shall not be required to include the following in an application for renewal of a developer registration of a time share plan:
 - (1) A financial statement of the developer; or
 - (2) A policy of title insurance, a preliminary title report, abstract of title, or certificate of title on the units or time share interests in the time share plan.
- (h) A developer’s application for registration or annexation shall include:
 - (1) A list of the projects containing the time share units that are included in the application and that are located outside the State; and
 - (2) A statement by the developer that it has verified that the use of each of those out-of-state time share units for time sharing purposes in the manner contemplated by the developer’s time share plan is either in compliance with or not prohibited by the zoning and land use laws and regulations of the jurisdiction where the time share units are located.

The developer shall not be required, as part of the developer registration, to submit any other evidence that the use of out-of-state time share units for time sharing purposes in the developer’s time share plan is either in compliance with or not prohibited by the zoning and land use laws and regulations of the jurisdiction where the time share units are located.”

SECTION 3. New statutory material is underscored.

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

(Approved July 3, 2023.)

A Bill for an Act Relating to Time Sharing Plans.

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

SECTION 1. The legislature finds that the sale of a time share interest may only close if the buyers are protected from the foreclosure of blanket liens, such as mortgages, existing at the time of the closing or which may be placed on the property after the closing. For example, if a time share unit is subject to a mortgage at the time of the closing and the developer fails to pay the mortgage, the lender may then foreclose and extinguish the rights of the time share owners

to use the time share unit. Existing law requires that the use rights of buyers be protected from existing blanket liens such as this.

The rights of buyers must also be protected from blanket liens that may arise in the future. For example, consider a situation where the buyer and developer enter into a contract providing that the developer will retain title to a hotel but that the buyer may use a room each year for the next forty years. Even if the property is free of any mortgage at the time of the sale, the developer could mortgage the property in the future. If the developer does not pay the mortgage, the lender could foreclose and extinguish the rights of the time share owners to use the time share unit. Existing law provides that an escrow may close only if the buyers are protected from both present and future blanket liens using one of the statutorily approved methods.

The legislature further finds that in many time share plans, title to the time share units is conveyed into a title holding trust. Under such trusts, a trustee holds title for the benefit of the owners or the association of time share owners, or both. Among other things, a title holding trust is intended to protect the right of the time share buyer to use the time share unit from blanket liens that may arise after the buyer's purchase. To accomplish this, the trust instrument typically restricts the ability of the trustee to submit the time share units to new blanket liens. Developers must submit a title report or other evidence of title as part of the application for registration of a time share plan. The title report will identify any existing blanket liens.

The legislature also finds that existing law allows developers to protect buyers from blanket liens that may arise in the future by recording a notice of time share plan. When a notice of time share plan is recorded, the rights of the time share owners to use the property are, by statute, protected from claims against the developer and anyone else who signed the notice of time share plan.

The legislature further finds that many modern time share plans include time share units from other states or even other countries. In recognition of the impossibility or impracticability of a proposed time share plan satisfying some of the requirements of the previously discussed methods because of factors over which the developer has little or no control, the director may accept alternative arrangements for the protection of the use rights of purchasers. Some alternative arrangements may require that various documents be recorded in the State or in the recording systems of other jurisdictions.

If the time share plan uses a title holding trust or notice of time share plan, or if alternative arrangements require the recordation of documents, to protect buyers from future blanket liens, the title report should also show that title has been conveyed to the trustee, the notice of time share plan has been recorded, or the required documents have been recorded, respectively. If it does not, then upon conveyance to the trustee or recordation of the time share property, the developer should be required to submit an update to the title report showing title vested in the trustee or showing the recordation of the required documents before the registration is accepted. After the developer has submitted such a title report, however, there is no need to submit additional title reports since the blanket lien protections are fully in place.

The purpose of this Act is to bolster the protections provided for buyers of time share units by:

- (1) For time share plans that use a title holding trust to protect buyers from future blanket liens, requiring the developer to submit a title report showing that title to the time share property is vested in the trustee, but not requiring the developer thereafter to submit additional title reports on that time share property;

- (2) For time share plans that use a notice of time share plan to protect buyers from future blanket liens, requiring the developer to submit a title report showing that the notice of time share plan has been recorded on title to the time share property, but not requiring the developer thereafter to submit additional title reports on that time share property; and
- (3) For time share plans that use recorded documents as part of alternative arrangements intended to protect buyers from future blanket liens, requiring the developer to submit a title report showing the recordation of all documents required to be recorded as part of the alternative arrangements, but not requiring the developer thereafter to submit additional title reports on that time share property.

SECTION 2. Section 514E-10, Hawaii Revised Statutes, is amended to read as follows:

“§514E-10 Registration required; developer, acquisition agent, plan manager, and exchange agent; registration renewal-; title report; title holding trusts.

(a) A developer shall not offer or dispose of a time share unit or a time share interest unless the disclosure statement required by section 514E-9 is filed with the director pursuant to the time specified in this chapter, or the development is exempt from filing, and the time share plan to be offered by the developer is accepted by the director for registration under this chapter. The director shall not accept a developer’s time share plan if the developer does not possess a history of honesty, truthfulness, financial integrity, and fair dealing.

(b) An acquisition agent (including the developer if it is also the acquisition agent) shall register under this chapter by filing with the director a statement setting forth the time sharing plan for which it is providing prospective purchasers, its address, the telephone number, other information required by the director as provided by rules adopted pursuant to chapter 91, and, if the acquisition agent is not a natural person, the name of the responsible managing employee; provided that an acquisition agent licensed under chapter 467 as a real estate broker shall not be required to register under this chapter. All acquisition agents not licensed under chapter 467 shall be approved by the director. The director shall not approve any acquisition agent who is not of good character and who does not possess a reputation for honesty, truthfulness, and fair dealing. The acquisition agent shall furnish evidence that the acquisition agent is bonded as required by rules adopted by the director pursuant to chapter 91 to cover any violation by the acquisition agent of any solicitation ordinance or other regulation governing the use of the premise or premises in which the time share plan is promoted; provided that the acquisition agent shall be separately bonded for each time share plan for which it is providing prospective purchases.

(c) A plan manager (including the developer if it is also the plan manager) shall register under this chapter by filing with the director a statement setting forth the time sharing plan that it is managing, its principal office address, telephone number, and responsible managing employee. The plan manager shall furnish evidence that the plan manager is bonded as required by rules adopted by the director pursuant to chapter 91 to cover any default of the plan manager and any of its employees of their duties and responsibilities; provided that the plan manager shall be separately bonded for each time share plan under the management of the plan manager.

(d) An exchange agent (including the developer if it is also an exchange agent) shall register under this chapter by filing with the director a statement setting forth the time sharing plan for which it is offering exchange services,

its principal office address and telephone number, and designate its responsible managing employee.

(e) Any plan manager or developer registration required in this section shall be renewed by December 31 of each even-numbered year, and any acquisition agent or exchange agent registration required in this section shall be renewed on December 31 of each odd-numbered year; provided that this subsection shall not relieve the person required to register from the obligation to notify the director promptly of any material change in any information submitted to the director, nor shall it relieve the developer of its obligation to promptly file amendments or supplements to the disclosure statement, and to promptly supply the amendments or supplements to purchasers of time share interests.

(f) An application for renewal of a developer registration shall be on a form prescribed by the director and shall include:

- (1) A current disclosure statement that meets the requirements of section 514E-9 and section 16-106-3, Hawaii Administrative Rules, if not already on file;
- (2) A statement that is certified by the developer to be true and correct in all respects and that identifies, as appropriate:
 - (A) The time share units in the time share plan registered pursuant to this chapter; the total number of time share interests registered for sale in each unit pursuant to this chapter; and the total number of time share interests that have not yet been sold as of the date specified in the developer's certification, which date shall not be more than sixty days prior to the date of the developer's certification; or
 - (B) The property in the time share plan registered pursuant to this chapter; the total number of points registered for sale in each property pursuant to this chapter; and the total number of points in the time share plan that have not yet been sold as of the date specified in the developer's certification, which date shall not be more than sixty days prior to the date of the developer's certification;
- (3) If the developer is a corporation, partnership, joint venture, limited liability company, or limited liability partnership, an original certificate of good standing issued by the business registration division of the department of commerce and consumer affairs not more than forty-five days before the date of submission of the renewal application; and
- (4) The biennial renewal fee.
- (g) Developers shall not be required to include the following in an application for renewal of a developer registration of a time share plan:
 - (1) A financial statement of the developer; or
 - (2) A policy of title insurance, a preliminary title report, abstract of title, or certificate of title on the units or time share interests in the time share plan.

(h) To the extent that a time share plan utilizes a title holding trust to protect the rights of purchasers to use the time share property from blanket liens that may arise subsequent to the closing of the sale of a time share interest:

- (1) The developer shall submit a title report:
 - (A) Showing that title to the time share units or time share interest to be protected by a title holding trust has been conveyed to the trustee; and
 - (B) Showing the recordation of any documents required to be recorded for the purpose of protecting the rights of purchasers

- to use the time share property from blanket liens that will remain on title subsequent to the closing; and
- (2) The developer shall not thereafter be required to submit additional title reports on property covered by a title report that meets the requirements of paragraph (1) unless otherwise required in another section of this chapter.
 - (i) To the extent that a time share plan utilizes a notice of time share plan to protect the rights of purchasers to use the time share property from blanket liens that may arise subsequent to the closing of the sale of a time share interest:
 - (1) The developer shall submit a title report:
 - (A) Showing that a notice of time share plan has been recorded on title to the time share units or time share interests to be so protected; and
 - (B) Showing the recordation of any documents required to be recorded for the purpose of protecting the rights of purchasers to use the time share property from blanket liens that will remain on title subsequent to the closing; and
 - (2) The developer shall not thereafter be required to submit additional title reports on property covered by a title report that meets the requirements of paragraph (1) unless otherwise required in another section of this chapter.
 - (j) To the extent that a time share plan utilizes alternative arrangements to protect the rights of purchasers to use the time share property from blanket liens:
 - (1) The developer shall submit a title report showing the recordation of all documents that, as part of the alternative arrangements accepted by the director, are required to be recorded for the purpose of protecting the rights of purchasers to use the time share property from blanket liens; and
 - (2) The developer shall not thereafter be required to submit additional title reports on property covered by a title report that meets the requirements of paragraph (1) unless otherwise required in another section of this chapter.”

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 3, 2023.)

ACT 199

S.B. NO. 855

A Bill for an Act Relating to Condominium Reserve Requirements.

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

SECTION 1. Section 514B-148, Hawaii Revised Statutes, is amended as follows:

- 1. By amending its title and subsections (a) through (d) to read:

“**§514B-148 Association fiscal matters; budgets and replacement reserves.** (a) The budget required under section 514B-144(a) shall include a summary with at least the following[?] details:

- (1) The estimated revenues and operating expenses of the association;
 - (2) ~~[Information]~~ Disclosure as to whether the budget has been prepared on a cash or accrual basis;
 - (3) The estimated costs of fire safety equipment or installations that meet the requirements of a life safety evaluation required by the applicable county for any building located in a county with a population greater than five hundred thousand; provided that the reserve study may forecast a loan or special assessment to fund life safety components or installation;
 - ~~[(3)]~~ (4) The balance of the total replacement reserves fund of the association as of the date of the budget;
 - ~~[(4)]~~ (5) The estimated replacement reserves assessments that the association will require to maintain the property based on a reserve study performed by or on behalf of the association; provided that the reserve study, if not prepared by an independent reserve study preparer, shall be reviewed by an independent reserve study preparer~~;~~ provided further that the reserve study shall be reviewed or updated at least not less than every three years; provided further that a managing agent with industry reserve study designations shall not be considered as having a conflict of interest for purposes of this paragraph;
 - ~~[(5)]~~ (6) A general explanation of how the estimated replacement reserves assessments are computed~~;~~ and detailing:
 - (A) The identity, qualifications, and potential conflicts of interest of the person or entity performing the reserve study, update, or any review thereof;
 - (B) Disclosure of any component of association property omitted from the reserve study and the basis for the omission;
 - (C) Planned increases in the estimated replacement reserve assessments over the thirty-year plan; and
 - (D) Whether the actual estimated replacement reserves assessments for the prior year as defined in the study was less than the assessments provided for in the reserve study, and, if so, by how much, and explaining the impact of the lesser assessments on future estimated replacement reserves assessments;
 - ~~[(6)]~~ (7) The amount the association must collect for the fiscal year to fund the estimated replacement reserves~~;~~ assessments; and
 - ~~[(7)]~~ (8) Information as to whether the amount the association must collect for the fiscal year to fund the estimated replacement reserves assessments was calculated using a per cent funded or cash flow plan. The method or plan shall not circumvent the estimated replacement reserves assessments amount determined by the reserve study pursuant to paragraph ~~[(4)-]~~ (5).
- (b) The association shall assess the unit owners to either fund a minimum of fifty per cent of the estimated replacement reserves assessments or fund one hundred per cent of the estimated replacement reserves assessments when using a cash flow plan; provided that a new association need not collect estimated replacement reserves assessments until the fiscal year ~~[which]~~ that begins after the association's first annual meeting. For each fiscal year, the association shall collect the amount assessed to fund the estimated replacement reserves assessments for that fiscal year ~~[reserves]~~, as determined by the association's plan.
- (c) The association shall compute the estimated replacement reserves assessments by a formula that is based on the estimated life and the estimated

capital expenditure or major maintenance required for each part of the property. The estimated replacement reserves assessments shall include:

- (1) Adjustments for revenues [~~which~~] that will be received and expenditures [~~which~~] that will be made before the beginning of the fiscal year to which the budget relates; and
- (2) Separate, designated reserves for each part of the property for which capital expenditures or major maintenance will exceed \$10,000. Parts of the property for which capital expenditures or major maintenance will not exceed \$10,000 may be aggregated in a single designated reserve.

(d) No association or unit owner, director, officer, managing agent, or employee of an association who makes a good faith effort to calculate the estimated replacement reserves assessments for an association shall be liable if the estimate subsequently proves incorrect.”

2. By amending subsection (f) to read:

“(f) The requirements of this section shall override any requirements in an association’s declaration, bylaws, or any other association documents relating to preparation of budgets, calculation of replacement reserve requirements, assessment and funding of replacement reserves, and expenditures from replacement reserves with the exception of:

- (1) Any requirements in an association’s declaration, bylaws, or any other association documents [~~which~~] that require the association to collect more than fifty per cent of replacement reserve requirements; or
- (2) Any provisions relating to upgrading the common elements, such as additions, improvements, and alterations to the common elements.”

3. 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 thirty-year projection of an association’s future income and expense requirements to fund fully its replacement reserves requirements each year during that thirty-year period, except in an emergency; provided that it does not include a projection of special assessments or loans during that 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 that the association must insure.

“Independent reserve study preparer” means any organization, company, or individual with a reserve study certification from an industry organization.

“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 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 3, 2023.)

ACT 200

S.B. NO. 930

A Bill for an Act Relating to the Residential Landlord-Tenant Code.

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

SECTION 1. Chapter 521, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§521- Application screening fee. (a) When a landlord or the landlord’s agent receives a request from an applicant to rent a dwelling unit, the landlord or the landlord’s agent may charge the applicant an application screening fee at the time the application is processed for the dwelling unit to cover the costs of obtaining information about the applicant; provided that a landlord or the landlord’s agent shall only charge an application screening fee for an applicant who is eighteen years of age or older or an emancipated minor. Information sought by the landlord or the landlord’s agent charging the fee may include personal reference checks, tenant reports, criminal background checks, and credit reports produced by any consumer credit reporting agency.

(b) Upon request by the applicant, a landlord or the landlord’s agent shall provide to the applicant a:

- (1) Receipt for payment of the application screening fee; and
- (2) Breakdown of costs covered by the application screening fee.

(c) A landlord or the landlord’s agent shall return to the applicant any amount of the application screening fee that is not used for the purposes authorized by this section within thirty days after the landlord has submitted screening requests.

(d) For the purposes of this section:

“Consumer credit reporting agency” has the same meaning as in section 489P-2.

“Credit report” has the same meaning as in section 489P-2.”

SECTION 2. The office of consumer protection of the department of commerce and consumer affairs shall produce and make available informational materials to provide landlords and applicants with notice regarding the specific rights and obligations established pursuant to this Act and shall widely publicize the requirements for application screening fees under this Act.

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

ACT 201

SECTION 5. This Act shall take effect on July 1, 2023; provided that section 1 of this Act shall take effect on May 1, 2024.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 201

S.B. NO. 966

A Bill for an Act Relating to Disposal of Solid Waste.

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

SECTION 1. Section 342H-37, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Felony disposal of solid waste is a class C felony for which a ~~maximum~~ fine of no more than \$50,000 for each separate offense may be imposed. In addition to the foregoing, any vehicle owned and operated by the person in the commission of the offense shall be subject to forfeiture pursuant to chapter 712A.”

SECTION 2. Section 342H-39, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Petty misdemeanor disposal of solid waste is punishable by:

- (1) A fine of ~~no~~ no more than \$25,000 for each separate offense;
- (2) ~~Not~~ Imprisonment of no more than thirty days ~~imprisonment~~ for each separate offense; or
- (3) Revocation or suspension by court order of any contractor’s license or any applicable certificate of authorization from the public utilities commission.

Each day of violation shall constitute a separate offense. In addition to the foregoing, any vehicle owned and operated by the person in the commission of the offense shall be subject to forfeiture pursuant to chapter 712A.”

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 July 3, 2023.)

ACT 202

S.B. NO. 968

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 the single fastest growing contributor to an increasing cost of living in Hawaii is the rising cost of transportation. Due to increasingly expensive fossil fuels and a lack of cheaper transit options, Hawaii residents already pay among the highest costs to commute in the country. In January 2022, the United States Bureau of Labor Statistics reported that auto-related costs were an astonishing twenty-three per cent higher in December 2021 than a year earlier, accelerating a trend of increasing transit costs contributing to Hawaii's rising cost of living.

The legislature further finds that numerous public employees commute to work by car and must pay for parking at their workplaces. However, public employees wishing to split the cost of sharing a single stall while carpooling in different cars on different days are currently prohibited by the department of accounting and general services from doing so.

The purpose of this Act is to help reduce the cost of living and cost of transportation for public employees by:

- (1) Enabling parking stall sharing between employees; and
- (2) Providing secure bicycle storage lockers at public facilities.

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding one new section to be appropriately designated and to read as follows:

“§27- Public employee parking facilities. (a) The department of accounting and general services, in collaboration with the department of transportation, shall develop, implement, administer, and manage a program to allow two or more public employees of the State to share the cost of a parking stall and allow multiple cars to use that stall as appropriate; provided that the total cost for sharing a parking stall between two or more employees shall not exceed the cost of any one stall for any one employee.

(b) The department of accounting and general services, in collaboration with the department of transportation, shall develop, implement, administer, and manage a pilot project to provide a reasonable number of secure, enclosed bicycle storage lockers at two facilities where vehicle parking is made available to public employees of the State by the department of accounting and general services; provided that the employee cost of secure storage of a bicycle in an enclosed locker shall not exceed twenty per cent of the cost of a vehicle parking stall.”

SECTION 3. New statutory material is underscored.¹

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

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Employment Earnings.

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

SECTION 1. The legislature finds that requiring employers to include pay or salary as part of a job advertisement helps to increase pay transparency and equal pay for all employees. California, Colorado, and New York City have recently enacted laws requiring job advertisements to include pay, and initial experiences have benefited employers, current employees, and prospective employees. Employers and prospective employees spend less time interviewing because prospective employees will not apply to jobs with a pay level that they feel is too low, and current employees have benefited from seeing the salaries of new employees and have used that information to seek higher wages, thereby helping to reduce pay inequalities.

The purpose of this Act is to reduce pay inequalities by:

- (1) Requiring certain job listings to disclose the hourly rate or salary range that reasonably reflects the actual expected compensation; and
- (2) Prohibiting an employer from discriminating between employees because of any protected category by paying wages to employees in an establishment at a rate less than the rate at which the employer pays wages to other employees in the establishment for substantially similar work.

SECTION 2. Chapter 378, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§378- Job listing; disclosures. (a) Job listings shall disclose an hourly rate or salary range that reasonably reflects the actual expected compensation.

- (b) This section shall not apply to job listings for:
 - (1) Positions that are internal transfers or promotions within a current employer;
 - (2) Public employee positions for which salary, benefits, or other compensation are determined pursuant to collective bargaining; or
 - (3) Positions with employers having fewer than fifty employees.”

SECTION 3. Section 378-2.3, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“§378-2.3 Equal pay[; sex discrimination]. (a) No employer shall discriminate between employees because of [~~sex;~~] any protected category listed in section 378-2(a)(1) by paying wages to employees in an establishment at a rate less than the rate at which the employer pays wages to other employees [~~of the opposite sex~~] in the establishment for [~~equal work~~] substantially similar work on jobs the performance of which requires equal skill, effort, and responsibility, and that are performed under similar working conditions. Payment differentials resulting from:

- (1) A seniority system;
- (2) A merit system;
- (3) A system that measures earnings by quantity or quality of production;
- (4) A bona fide occupational qualification; or

(5) A differential based on any other permissible factor other than ~~[sex[;]]~~ any of the protected categories listed in section 378-2(a)(1), do not violate this section.”

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 on January 1, 2024.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 204

S.B. NO. 1163

A Bill for an Act Relating to Civil Air Patrol.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,917,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that for more than seventy-five years, the civil air patrol has assisted emergency management agencies throughout the nation with response and recovery efforts during and after a disaster. The civil air patrol is a non-profit organization and an auxiliary of the United States Air Force, and its missions include emergency services, aerospace education, and cadet programs. Civil air patrol members are volunteers who serve as pilots, scanners, and ground crew to fulfill its mission.

The legislature further finds that the civil air patrol emergency response and recovery activities have included search and rescue efforts, damage assessments, aerial photography of impacted areas, alerts and notifications, and the transportation of supplies. Most recently, the civil air patrol conducted aerial reconnaissance of the State after the severe weather incident in December 2021. The photographs were instrumental in documenting the damage to roadways on the island of Maui and were included in the State’s application for a federal disaster declaration. Similar missions were conducted on the island of Hawaii during the Kilauea volcanic eruptions and on the island of

ACT 205

Kauai during the recent flood events. In situations where the State has been threatened by a tsunami, the civil air patrol was called upon to alert remote areas by using speakers mounted to civil air patrol aircraft in areas not serviced by outdoor alert system speakers.

The legislature also finds that the Hawaii wing of the civil air patrol conducted these activities for years with state funding for operational expenses. However, that funding ceased in 2019.

Accordingly, the purpose of this Act is to appropriate funds for civilian auxiliary aviation operations of the type performed by the civil air patrol.

SECTION 3. 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 2023-2024 for civilian auxiliary aviation services, which may include search and rescue, damage assessments, aerial photography of impacted areas, alerts and notifications, and transportation of supplies.

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

SECTION 4. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)

Note

1. Act 164.

ACT 205

S.B. NO. 1327

A Bill for an Act Relating to the use of Electronic Filing by the Public Utilities Commission.

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

SECTION 1. The purpose of this Act is to authorize the electronic filing of documents by and with the public utilities commission.

SECTION 2. Section 269-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Document” includes any application, complaint, pleading, brief, answer, motion, memorandum, declaration, exhibit, certificate of service, and other papers filed by or with the commission.”

SECTION 3. Section 269-6.5, Hawaii Revised Statutes, is amended to read as follows:

“§269-6.5 Electronic copies of documents. (a) No later than July 1, 2011, the public utilities commission shall accept from any person who submits a document to the commission the original or one electronic copy of each application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter, and the consumer advocate shall accept service of one paper or electronic copy of each application, complaint, pleading, brief, or other document filed with the commission.

(b) The commission shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section. Until the final adoption by the commission of rules governing the electronic filing of documents with the commission, the

following requirements shall apply to all documents submitted to the commission pursuant to this section; provided that additional requirements with regard to document format may be established by the commission through written guidelines:

- (1) Unless otherwise required by this chapter or the guidelines of the commission, each person who submits or files an application, complaint, pleading, brief, or other document shall submit to or file with the commission an original or one electronic copy of each document and shall serve one paper or electronic copy of each document on the consumer advocate;
- (2) All paper documents submitted to or filed with the commission shall be printed on one side of the page only and, if practicable, in portrait orientation;
- (3) Original paper documents submitted to or filed with the commission shall not be stapled but shall be clipped together or placed in a clearly marked three-ring binder, as appropriate;
- (4) All paper documents filed or submitted to the commission shall include appropriately labeled separator pages in addition to tabbed dividers, as applicable;
- (5) All confidential documents filed under confidential seal shall be clearly designated in accordance with the requirements of any applicable protective order, and the sealed envelope in which the confidential documents are enclosed shall clearly indicate the appropriate docket number and subject; and
- (6) Electronic documents shall be named using the filing party's name, docket number, date of filing, and name of document as part of the document title.

Upon final adoption of rules pursuant to chapter 91, the rules of the commission governing submission or filing of electronic documents shall supersede the provisions of this subsection.

(c) No later than July 1, 2013, the public utilities commission shall accept any application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter as either a paper document or an electronic document.

(d) If a signature is required on any document submitted electronically pursuant to this section, that requirement shall be satisfied by the inclusion of an electronic signature. Chapter 489E shall apply to all electronic documents submitted pursuant to this section.

(e) Communications, correspondence, and service of orders and other official documents shall be made upon the public utility, complainant, and any other party at the last recorded mailing or electronic mail address on file with the commission. Proof of service by certified or registered mail or by electronic transmission to the last known mailing or electronic mail address shall constitute a valid service of any communication, correspondence, order, or other official document.

(f) A document filed by electronic means shall be equivalent to an original document for the purposes of this chapter."

SECTION 4. Section 271-4, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Document" includes any application, complaint, pleading, brief, answer, motion, memorandum, declaration, exhibit, certificate of service, and other papers filed by or with the commission."

SECTION 5. Section 271-26.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§271-26.5[H] Change of address; responsibility; service of [orders,] documents. A motor carrier shall have, maintain and operate from a definite place of business in the State and shall display therein the certificate or permit issued by the public utilities commission. The certificate or permit holder shall report any change of address or telephone number to the commission within five business days from [such] the change. Communications, correspondence [and], service of orders, and other official documents shall be made upon the [certificate or permit holder] motor carrier, complainant, and any other party at the last recorded mailing or electronic mail address on file with the commission. Proof of service by certified or registered mail or by electronic transmission to the last known mailing or electronic mail address shall constitute a valid service of any commission’s [order,] official document.”~~

SECTION 6. Section 271G-5, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Document” includes any application, complaint, pleading, brief, answer, motion, memorandum, declaration, exhibit, certificate of service, and other papers filed by or with the commission.”

SECTION 7. Section 271G-7.5, Hawaii Revised Statutes, is amended to read as follows:

“§271G-7.5 Electronic copies of documents. (a) No later than July 1, 2011, the public utilities commission shall accept from any person who submits a document to the commission the original or one electronic copy of each application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter, and the consumer advocate shall accept service of one paper or electronic copy of each application, complaint, pleading, brief, or other document filed with the commission.

(b) The commission shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section. Until the final adoption by the commission of rules governing the electronic filing of documents with the commission, the following requirements shall apply to all documents submitted to the commission pursuant to this section; provided that additional requirements with regard to document format may be established by the commission through written guidelines:

- (1) Unless otherwise required by this chapter or the guidelines of the commission, each person who submits or files an application, complaint, pleading, brief, or other document shall submit to or file with the commission an original or one electronic copy of each document and shall serve one paper or electronic copy of each document on the consumer advocate;
- (2) All paper documents submitted to or filed with the commission shall be printed on one side of the page only and, if practicable, in portrait orientation;
- (3) Original paper documents submitted to or filed with the commission shall not be stapled but shall be clipped together or placed in a clearly marked three-ring binder, as appropriate;
- (4) All paper documents filed or submitted to the commission shall include appropriately labeled separator pages in addition to tabbed dividers, as applicable;
- (5) All confidential documents filed under confidential seal shall be clearly designated in accordance with the requirements of any

applicable protective order, and the sealed envelope in which the confidential documents are enclosed shall clearly indicate the appropriate docket number and subject; and

- (6) Electronic documents shall be named using the filing party's name, docket number, date of filing, and name of document as part of the document title.

Upon final adoption of rules pursuant to chapter 91, the rules of the commission governing submission or filing of electronic documents shall supersede the provisions of this subsection.

(c) No later than July 1, 2013, the public utilities commission shall accept any application, complaint, pleading, brief, or other document required to be filed with the commission pursuant to this chapter as either a paper document or an electronic document.

(d) If a signature is required on any document submitted electronically pursuant to this section, that requirement shall be satisfied by the inclusion of an electronic signature. Chapter 489E shall apply to all electronic documents submitted pursuant to this section.

(e) Communications, correspondence, and service of orders and other official documents shall be made upon the water carrier, complainant, and any other party at the last recorded mailing or electronic mail address on file with the commission. Proof of service by certified or registered mail or by electronic transmission to the last known mailing or electronic mail address shall constitute a valid service of any communication, correspondence, order, or other official document."

SECTION 8. Section 271G-8, Hawaii Revised Statutes, is amended to read as follows:

"~~§271G-8~~ Reports and decisions of commission. Whenever the public utilities commission inquires into the operations, operating rights, rates, safety of operations, or directs inquiry and investigation into water carrier activities regulated under this chapter, and holds public hearing thereon, it shall make a report in writing, on paper or an electronic copy, in respect thereto, ~~which~~ that shall state its findings of fact and conclusions of law, together with its decision, order, or requirement in the premises. The provisions of chapter 91 shall apply."

SECTION 9. Section 271G-19, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) In addition to any other remedy available, the commission or its enforcement officer may issue citations to persons acting in the capacity of or engaging in the business of a water carrier within the State, without having a certificate of public convenience and necessity or other authority previously obtained under and in compliance with this chapter and the rules adopted thereunder~~[-]~~, as follows:

- (1) The citation may contain an order of abatement and an assessment of civil penalties of not less than \$100 nor more than \$500 for each offense and, in the case of a continuing violation, not less than \$200 nor more than \$500 for each day that uncertified activity continues. All penalties collected under this subsection shall be deposited in the treasury of the State. Service of a citation issued under this subsection shall be made by personal service ~~whenever possible, or by~~; electronic service; certified mail, restricted delivery, sent to the last known business or residence address; or electronic mail to the address of the person cited~~[-]~~;

- (2) Any person served with a citation under this subsection may submit a written request, on paper or electronically, to the commission for a hearing within twenty days from the receipt of the citation, with respect to the violations alleged, the scope of the order of abatement, and the amount of civil penalties assessed. If the person cited under this subsection timely notifies the commission of the request for a hearing, the commission shall afford an opportunity for a hearing under chapter 91. The hearing shall be conducted by the commission, or the commission may designate a hearings officer to hold the hearing[-];
- (3) If the person cited under this subsection does not submit a written request, on paper or electronically, to the commission for a hearing within twenty days from the receipt of the citation, the citation shall be deemed a final order of the commission. The commission may apply to the appropriate court for a judgment to enforce the provisions of any final order issued by the commission or designated hearings officer pursuant to this subsection, including the provisions for abatement and civil penalties imposed. In any proceeding to enforce the provisions of the final order of the commission or designated hearings officer, the commission need only show that the notice was given, a hearing was held, or the time granted for requesting the hearing has run without a request, and a certified copy of the final order of the commission or designated hearings officer[-]; and
- (4) If any party is aggrieved by the decision of the commission or the designated hearings officer, the party may appeal, subject to chapter 602, in the manner provided for civil appeals from the circuit courts; provided that the operation of an abatement order shall not be stayed on appeal unless specifically ordered by a court of competent jurisdiction after applying the stay criteria enumerated in section 91-14(c). [~~The~~]

The sanctions and disposition authorized under this subsection shall be separate and in addition to all other remedies, either civil or criminal, provided in any other applicable statutory provision. The commission may adopt rules under chapter 91 as may be necessary to fully effectuate this subsection.”

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.

(Approved July 3, 2023.)

ACT 206

S.B. NO. 1370

A Bill for an Act Relating to Licenses to Solemnize Marriages.

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

SECTION 1. The legislature finds that Act 211, Session Laws of Hawaii 2021 (Act 211), authorized the issuance of a civil license to solemnize marriages. Prior to enactment, only individuals with religious affiliations or judicial appointments could obtain a license to solemnize marriages.

Act 211 also established fees for a civil license to solemnize marriages, the intent of which was to enhance general revenues from approximately twenty thousand marriages per year, two-thirds of which are for out-of-state and international couples. However, there are no fees for religious and judicial licenses to solemnize marriages.

The purpose of this Act is to:

- (1) Establish standard and short-term licenses and license fees to solemnize marriages;
- (2) Specify in what amount and to which fund license fees shall be deposited; and
- (3) Repeal language related to civil license fees to assure equity among religious, judicial, and civil performers.

SECTION 2. Section 572-11, Hawaii Revised Statutes, is amended to read as follows:

“§572-11 Marriage ceremony; license to solemnize[-]; fees. (a) It shall ~~[not]~~ be ~~[lawful]~~ unlawful for any person to perform ~~[the]~~ a marriage ceremony within the State without first obtaining from the department of health a license to solemnize marriages. A standard license to solemnize marriages shall be valid for one year from the date of issuance. A short-term license to solemnize marriages shall be valid for sixty days from the date of issuance.

(b) The fee for a standard license to solemnize marriages shall be \$100 per year. The fee for a short-term license to solemnize marriages shall be \$25 per sixty-day period. All fees received for the issuance of licenses to solemnize marriages shall be remitted to the director of health. Upon receipt of a fee for a license under this section, the director shall deposit:

- (1) For standard licenses, \$75 to the vital statistics improvement special fund established under section 338-14.6, and \$25 to the general fund; and
- (2) For short-term licenses, \$20 to the vital statistics improvement special fund established under section 338-14.6, and \$5 to the general fund.”

SECTION 3. Section 572-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

~~“(b) A civil license to solemnize marriages may be issued to, and the marriage rite may be performed and solemnized by, any individual at least eighteen years of age, upon presentation to the individual of a license to marry, as prescribed by this chapter. An individual with a civil license to solemnize a marriage may receive the price stipulated by the parties or any gratuity tendered. [The civil license shall be valid for no less than two years from the date of its issuance; provided that a temporary three-month civil license may be issued upon an individual’s request. The fee for a civil license shall be \$100 per year the permit is valid; provided that the fee for a temporary three-month license shall be \$25.] An individual who performs a solemnization of a marriage pursuant to a civil license issued under this subsection shall obtain the prior written consent of each person for whom a solemnization is performed and fulfill all provisions of sections 572-13 and 572-15 applicable to persons authorized to solemnize marriages.”~~

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, 2023.

(Approved July 3, 2023.)

A Bill for an Act Relating to the Repeal of Section 328-106, Hawaii Revised Statutes.

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

SECTION 1. The legislature finds that the department of health has historically regulated the safety and integrity of food, drugs, and cosmetics to protect the health of Hawaii's residents and visitors pursuant to the authority provided in chapter 328, Hawaii Revised Statutes (chapter 328). The department's regulatory purview with respect to pharmaceuticals under chapter 328 is analogous to that of the federal Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act. The federal Food and Drug Administration exercises its regulatory authority to ensure the efficacy and overall safety of prescription drugs, but not to control their cost or the business practices of the insurance companies and independent pharmacies that supply them.

Section 328-106, Hawaii Revised Statutes, requires the department of health to police the insurance industry, a task for which it is not well-suited. Section 328-106, Hawaii Revised Statutes, requires pharmacy benefit managers to maintain certain information related to the cost of prescription drugs and provide a process for a contracting pharmacy to appeal the maximum allowable cost for reimbursement. Regulatory oversight of what was intended as a price control function, however, is not within the department of health's area of expertise. Additionally, section 328-106, Hawaii Revised Statutes, does not provide an adequate remedy for violations; rather, it prescribes certain aspects of an appeal process to be utilized by the pharmacy benefit managers who nonetheless retain exclusive control over both the administration of the appeal process itself and of any decision ultimately rendered.

Therefore, the legislature finds that section 328-106, Hawaii Revised Statutes, is inconsistent with the purpose of chapter 328 generally and does not achieve a meaningful balance in the contractual relationship between pharmacy benefit managers and pharmacies. The regulatory burden this section places on the department of health is outside the scope of the department of health's mission to protect public health. Regulation of the insurance industry's process for reimbursement to pharmacies of prescription drug costs, and of the contractual relationship between them, is likely more effectively achieved by other means. As a result, the legislature finds that repealing section 328-106, Hawaii Revised Statutes, is appropriate.

Accordingly, the purpose of this Act is to repeal section 328-106, Hawaii Revised Statutes, which requires the department of health to regulate business practices between private entities engaged in the selling, billing, and reimbursement of pharmaceuticals.

SECTION 2. Section 328-106, Hawaii Revised Statutes, is repealed.

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

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

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 208

S.B. NO. 1383

A Bill for an Act Relating to the Hawaii Employment Security Law.

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

SECTION 1. Chapter 383, Hawaii Revised Statutes, is amended by adding two new sections to part V to be appropriately designated and to read as follows:

“§383-A Unemployment insurance technology special fund. (a) There is established in the state treasury the unemployment insurance technology special fund to be administered by the department. All assessments collected pursuant to section 383-B and all moneys received by the fund from any other source shall be deposited in the unemployment insurance technology special fund.

(b) Moneys in the unemployment insurance technology special fund shall be used by the department for the operating expenses to operate and maintain the department’s information technology infrastructure used for the payment of benefits and contributions as provided for in this chapter. Administrative costs for the collection of the unemployment insurance technology assessments and for costs related to the establishment and maintenance of the unemployment insurance technology special fund shall be borne by the fund.

(c) The director shall submit a report to the legislature on the status of the unemployment insurance technology special fund, including expenditures and program results, not less than twenty days prior to the convening of each regular session; provided that the director may include the report in the report required by section 383-126.5.

§383-B Unemployment insurance technology assessment. (a) In addition to contributions determined by section 383-68, every employer, except an employer who has elected an alternative method of financing liability for unemployment compensation benefits pursuant to section 383-62, shall be subject to an unemployment insurance technology assessment at a rate of 0.01 per cent of taxable wages as specified in section 383-61.

(b) Collections from the unemployment insurance technology assessment shall be made in the same manner and at the same time as any contributions required under section 383-61, and shall not be deducted, in whole or in part, from the wages of individuals in an employer’s employ.

(c) Any assessments collected pursuant to this section shall remain separate and shall not be included in any manner in computing unemployment contribution rates assigned to employers in accordance with sections 383-63 to 383-69.

(d) The director may impose a penalty and interest on delinquent unemployment insurance technology assessments in the same manner as provided for contributions to the unemployment compensation fund in section 383-73. For purposes of computation of penalty and interest under this subsection, unemployment insurance technology assessments shall be considered part of the employer’s contributions to the unemployment compensation fund.

(e) Collection of money from an employer delinquent in paying unemployment insurance technology assessments, employment and training fund assessments, or contributions to the unemployment compensation fund pursuant to this chapter shall first be applied to interest and penalty, then applied to delinquent unemployment compensation contributions, then to delinquent unemployment insurance technology assessments, and finally to delinquent employment and training assessments.”

ACT 209

SECTION 2. Section 383-129, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Collection of money from an employer delinquent in paying employment and training assessments, unemployment insurance technology assessments, or contributions to the unemployment compensation fund pursuant to this chapter shall first be applied to interest and penalty, then applied to delinquent unemployment compensation contributions, then to delinquent unemployment insurance technology assessments, and finally to delinquent employment and training assessments.”

SECTION 3. 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 the Act.

SECTION 4. New statutory material is underscored.¹

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

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 209

S.B. NO. 1468

A Bill for an Act Relating to Right of Entry for Professional Surveyors.

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

SECTION 1. The legislature finds that professional land surveyors require reasonable access over and across certain real properties at reasonable times in the regular course of their work to conduct a survey of common property boundaries that are used to determine the legal interests of parties in real property. A professional land surveyor requires access to:

- (1) Retrace record boundary lines;
- (2) Recover or reestablish boundary monuments or survey controls; and
- (3) Locate rights-of-way or improvements with positional discrepancies.

Without a right of entry, a professional land surveyor conducting a land survey is often subject to trespass laws, prohibiting the land surveyor from conducting a land survey required to ensure the public's interest in maintaining a sound and uniform real property system.

The purpose of this Act is to establish a right of entry for professional land surveyors and any assistants under the direct supervision of professional land surveyors to conduct surveys that protects the real property interests of property owners and the public interest in maintaining the integrity of a sound uniform real property system.

SECTION 2. Chapter 464, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“~~§464-~~ **Professional land surveyor right of entry to private property; notification; identification.** (a) A professional land surveyor licensed pursuant to this chapter, and any assistant under the direct supervision of the professional land surveyor, may enter the private property of the landowner of the real

property to be surveyed and any adjoining lands, but not any building, structure, residence, or vehicle, at reasonable times to perform land surveying at the request of the landowner of, or person with an interest in, the real property to be surveyed after providing a written notice not less than ten days before the proposed date of entry.

(b) The written notice shall include:

- (1) The date and time the entry is scheduled to occur;
- (2) A description of the work to be performed;
- (3) The approximate duration of the entry;
- (4) A statement that the landowner of the real property to be surveyed and the landowners of adjoining lands may refuse entry by making a timely written objection;
- (5) A statement of the date, time, and method by which the landowner of the real property to be surveyed and the landowners of adjoining lands may object; and
- (6) A statement of the date, time, and method by which the landowner of, or person with an interest in, the real property to be surveyed and the landowner or occupier of adjoining lands may notify of a disruption or interference with operations on the properties involved.

(c) The written notice shall be sent to the last known address of the landowner of, or person with an interest in, the real property to be surveyed and the landowner or occupier of adjoining lands to be accessed. Notice sent by certified mail shall be deemed sufficient notice for purposes of this section.

(d) An objection shall be expressly communicated to the professional land surveyor in writing no later than seventy-two hours before the date the survey work is to be performed. If the landowner of the real property to be surveyed or a landowner of adjoining lands makes a timely objection, the professional land surveyor, and any assistant under the direct supervision of the professional land surveyor, shall not be authorized to enter the private property of the objecting landowner pursuant to this section. If the landowner of the real property to be surveyed or a landowner of adjoining lands does not make a timely objection, the professional land surveyor, and any assistant under the direct supervision of the professional land surveyor, shall be authorized to enter the private property of the landowner pursuant to this section.

(e) When the landowner of, or person with an interest in, the real property to be surveyed or the landowner or occupier of adjoining lands gives notice to the professional land surveyor that the surveying may disrupt or interfere with operations on the properties involved, the professional land surveyor shall meet with the landowner, person with interest, or occupier to negotiate a mutually agreeable date and time to perform the land surveying.

(f) The professional land surveyor or professional land surveyor's assistant shall carry:

- (1) A government-issued photo identification;
- (2) A copy of the written notice submitted pursuant to this section; and
- (3) The land surveyor's:
 - (A) Certificate of licensure with the license number issued pursuant to this chapter, or a facsimile thereof; or
 - (B) Seal or stamp, or facsimile thereof, authorized pursuant to section 464-11."

SECTION 3. Section 708-813, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) Subsection (1) shall not apply to [a]:

- (a) A process server who enters or remains in or upon the land or

premises of another, unless the land or premises are secured with a fence and locked gate, for the purpose of making a good faith attempt to perform their legal duties and to serve process upon any of the following:

- [(a)] (i) An owner or occupant of the land or premises;
- [(b)] (ii) An agent of the owner or occupant of the land or premises; or
- [(c)] (iii) A lessee of the land or premises[.]; or

(b) A professional land surveyor, or assistant under the direct supervision of the professional land surveyor, who enters or remains in or upon the land or premises of another for the purpose of performing land surveying at the request of the landowner of, or person with an interest in, the real property to be surveyed.”

SECTION 4. Section 708-814, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) Subsection (1) shall not apply to [a]:

(a) A process server who enters or remains in or upon the land or premises of another, unless the land or premises are secured with a fence and locked gate, for the purpose of making a good faith attempt to perform the process server’s legal duties and to serve process upon any of the following:

- [(a)] (i) An owner or occupant of the land or premises;
- [(b)] (ii) An agent of the owner or occupant of the land or premises; or
- [(c)] (iii) A lessee of the land or premises.

For the purposes of this ~~subsection,~~ paragraph, “process server” means any person authorized under the Hawaii rules of civil procedure, district court rules of civil procedure, Hawaii family court rules, or section 353C-10 to serve process[.]; or

(b) A professional land surveyor, or assistant under the direct supervision of the professional land surveyor, who enters or remains in or upon the land or premises of another for the purpose of performing land surveying at the request of the landowner of, or person with an interest in, the real property to be surveyed.”

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 upon its approval.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 210

S.B. NO. 1502

A Bill for an Act Relating to Transportation.

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

SECTION 1. Chapter 279L, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§279L- Parking; regulation.** (a) The department of transportation may regulate parking utilized by peer-to-peer car sharing at state airports.

(b) The counties may, by ordinance, regulate parking utilized by shared cars.”

SECTION 2. Section 431:10C-802, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A peer-to-peer car-sharing program shall ensure that during each car-sharing period, the shared car ~~[shall be]~~ is insured under a motor vehicle insurance policy that ~~[shall provide:]~~ provides:

- (1) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program in amounts ~~[not]~~ no less than ~~[\$750,000]~~ four times the amounts set forth in section 431:10C-301(b) 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]~~ shared car driver;
 - (ii) Disclose to the ~~[peer-to-peer car-sharing]~~ shared car 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~~] shared car 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~~] the disclosure to the [~~peer-to-peer car-sharing~~] shared car driver. The insurer or the peer-to-peer car-sharing program shall also send to the [~~peer-to-peer car-sharing~~] shared car driver every modified disclosure form within fifteen days of the filing of [~~such~~] the modified disclosure form and comply with paragraph (3). [~~Such~~] The disclosures and acknowledgement may be sent and received by electronic means.”

SECTION 3. Act 56, Session Laws of Hawaii 2022, is amended by amending section 5 to read as follows:

“SECTION 5. This Act shall take effect on January 1, 2023[~~, and shall be repealed on June 30, 2025~~].”

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, 2024.

(Approved July 3, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 211

S.B. NO. 746

A Bill for an Act Relating to Coffee Labeling.

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 “Ka‘ū”, on labels of its specialty agricultural products but requires that only ten per cent of the product originate in the geographic area indicated. The legislature further finds that this low ten per cent requirement directly damages and degrades the reputation of world-famous Hawaii-grown coffees and damages 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 of Hawaii, and as a result, downstream stakeholders, rather than farmers, “reap the economic benefits of the fame of Kona”.

The legislature also finds that more than ninety per cent of Hawaii’s coffee farms are located on the island of Hawaii. In 2014, the Hawaii county council

adopted Resolution No. 501 14, entitled “Requesting the Hawaii Legislature to Adopt Provisions for Truth-In-Labeling for Hawaii-Grown Coffees”. The council’s request to the legislature was based on several findings, including:

- (1) Senate Concurrent Resolution No. 102, S.D. 1, H.D. 1, regular session of 2007, which stated in part that:
 - (A) Existing labeling requirements for Kona coffee causes consumer fraud and degrades the “Kona coffee” name; and
 - (B) Confusion as to the difference between Kona coffee and Kona coffee blends caused *Consumer Reports* magazine to rate Kona coffee as “second rate”;
- (2) The fact that it is inherently deceptive and misleading to label coffee as a geographically identified blend, such as “Hamakua Blend”, “Ka’ū; Blend”, or “Kona Blend”, unless at least a majority of the coffee is from that region;
- (3) The label on the package of a ten per cent Hawaii coffee blend does not advise consumers that ninety per cent of the coffee in the package is imported, is foreign-grown, or may be a mixture of multiple Hawaiian regions and foreign-grown coffee;
- (4) Not identifying the origin of ninety per cent of a coffee blend is inherently deceptive to consumers, who are often erroneously led to believe that a package of coffee blend contains a blend of coffees only from farms in Kona or other regions in Hawaii, when in fact a portion of the blended coffee could be foreign-grown coffee;
- (5) Blending cheaper commodity coffees from Vietnam, Mexico, Panama, Africa, and other foreign countries to fill ninety per cent of the coffee blend enriches the mainland-based corporations that own the Hawaii blending companies with immense excess profits, without any benefit to Hawaii coffee farmers;
- (6) The acknowledged blending of beans of various roasts and origins by coffee roasters to create unique flavor profiles is an acceptable practice and is different from the deceptive labeling using misleading geographic origin names of blends, which violates the basic principles of consumer protection and fair marketing; and
- (7) Immediate legislative action is necessary to protect the reputation of Hawaii-grown coffees as premier, specialty coffees from further degradation.

The legislature also notes that ready-to-drink coffee beverages and inner wrapping labels given, but not sold, to customers are not subject to the current statutory requirements for fair trade coffee labeling and advertising. These requirements only apply to roasted coffee and instant coffee.

The legislature finds that these labeling and advertising requirements were primarily intended to resolve any consumer confusion and allow consumers to “make an enlightened choice”, as stated in Act 289, Session Laws of Hawaii 1991. These statutory requirements ensure truthful representation of a coffee product’s geographical origin, which protects consumers from fraud and deception in coffee labeling and advertising.

Therefore, the purpose of this Act is to support Hawaii’s coffee growers by:

- (1) Expanding the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and the inner packages and inner wrapping labels of roasted coffee, instant coffee, and ready-to-drink coffee beverages given to customers;

- (2) Specifying that the coffee labeling and advertising requirements apply if the applicable products are produced in whole or in part from Hawaii-grown and Hawaii-processed green coffee beans;
- (3) Requiring disclosure on the label of coffee blends of the respective geographic and regional origins and per cent by weight of the blended coffees; and
- (4) Prohibiting use of the term “All Hawaiian” in labeling or advertising for roasted coffee, instant coffee, or ready-to-drink coffee beverages not produced entirely from green coffee beans grown and processed in Hawaii.

SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is amended to read as follows:

“§486-120.6 Hawaii-grown ~~roasted or instant~~ and Hawaii-processed coffee; labeling or advertising requirements. (a) In addition to all other labeling requirements, the identity statement used for labeling or advertising roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverages~~ produced in whole or in part from Hawaii-grown and Hawaii-processed green coffee beans shall meet the following requirements:

- (1) For roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverages~~ that ~~[contains]~~ contain one hundred per cent Hawaii-grown and Hawaii-processed coffee by weight, the identity statement shall consist of either:
 - (A) The geographic origin of the Hawaii-grown and Hawaii-processed coffee, in coffee consisting of beans from only one geographic origin, followed by the word “Coffee”; provided that the geographic origin may be immediately preceded by the term “100%”; or
 - (B) The per cent coffee by weight of one of the Hawaii-grown and Hawaii-processed coffees, used in coffee consisting of beans from several geographic origins, followed by the geographic origin of the weight-specified coffee and the terms “Coffee” and “All Hawaiian”;
- (2) For roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverages~~ consisting of a blend of one or more Hawaii-grown and Hawaii-processed coffees and coffee not grown or processed in Hawaii, the per cent coffee by weight of one of the Hawaii-grown and Hawaii-processed coffees used in the blend, followed by the geographic origin of the weight-specified coffee and the term “Coffee Blend”; and
- (3) Each word or character in the identity statement shall be of the same type size and shall be contiguous. The smallest letter or character of the identity statement on packages of sixteen ounces or less net weight shall be at least one and one-half times the type size required under federal law for the statement of net weight or three-sixteenths of an inch in height, whichever is smaller. The smallest letter or character of the identity statement on packages of greater than sixteen ounces net weight shall be at least one and one-half times the type size required under federal law for the statement of net weight. The identity statement shall be conspicuously displayed without any intervening material in a position above the statement of net weight. Upper and lower case letters may be used interchangeably in the identity statement.

(b) A listing of the geographic origins of the various Hawaii-grown and Hawaii-processed coffees and the regional origins of the various coffees not grown or processed in Hawaii that are included in a blend ~~[may]~~ shall be shown on the label. ~~[If used, this]~~ This list shall consist of the term “Contains:”, followed by, in descending order of per cent coffee by weight and separated by commas, the respective geographic origin or regional origin of the various coffees in the blend ~~[that the manufacturer chooses to list]~~. Each geographic origin or regional origin ~~[may]~~ shall be preceded by the per cent [øf] coffee by weight represented by that geographic origin or regional origin, expressed as a number followed by the per cent sign. In place of separate listings of regional origins of coffee not grown or processed in Hawaii in the blend, the list may include the words “Foreign-grown Coffee”, preceded by the per cent coffee by weight in the blend. The type size used for this list shall ~~[not exceed]~~ be no less than half that of the identity statement. This list shall appear below the identity statement~~[-if included]~~ on the front panel of the label.

(c) The requirements of subsections (a) and (b) shall apply to the labeling of any inner package or inner wrapping of the roasted coffee, instant coffee, or ready-to-drink coffee beverages that includes any geographic origin of Hawaii-grown and Hawaii-processed coffee, regardless of whether the inner package or inner wrapping is intended to be individually sold.

~~[(e)]~~ (d) It shall be a violation of this section to:

- (1) Use the identity statement specified in subsection (a)(1)(A) or similar terms in labeling or advertising unless the package of roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage contains one hundred per cent coffee by weight from that one geographic origin;
- (2) Use a geographic origin in labeling or advertising, including in conjunction with a coffee style or in any other manner, if the roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage contains less than ten per cent coffee by weight from that geographic origin;
- (3) Use a geographic origin in labeling or advertising roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverages, including advertising in conjunction with a coffee style or in any other manner, without disclosing the ~~[percentage of]~~ per cent coffee by weight used from that geographic origin as described in subsection (a)(1)(B) and (a)(2);
- (4) Use a geographic origin in labeling or advertising roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverages, including in conjunction with a coffee style or in any other manner, if the green coffee beans used in that roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage do not meet the grade standard requirements of rules adopted under chapter 147;
- (5) Misrepresent, on a label or in advertising of a roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage, the per cent coffee by weight of any coffee from a geographic origin or regional origin;
- (6) Use the term “All Hawaiian” on a label or in advertising of a roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage if ~~[the]~~ that roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage is not produced entirely from green coffee beans ~~[produced in geographic origins defined in this chapter;]~~ grown and processed in Hawaii;
- (7) Use a geographic origin on the front label panel of a package of roasted [øf] coffee, instant coffee, or ready-to-drink coffee beverage other than in the trademark or in the identity statement as au-

- thorized in subsection (a)(1) and (2) unless ~~[one hundred per cent of] the roasted [or] coffee, instant coffee [contained in the package is], or ready-to-drink coffee beverage contains one hundred per cent coffee by weight~~ from that geographic origin;
- (8) Use more than one trademark on a package of roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverage~~ unless ~~[one hundred per cent of] the roasted [or] coffee, instant coffee [contained in the package is], or ready-to-drink coffee beverage contains one hundred per cent coffee by weight~~ from that geographic origin specified by the trademark;
 - (9) Use a trademark that begins with the name of a geographic origin on a package of roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverage~~ unless ~~[one hundred per cent of] the roasted [or] coffee, instant coffee [contained in the package comes], or ready-to-drink coffee beverage contains one hundred per cent coffee by weight~~ from that geographic origin or the trademark ends with words that indicate a business entity; or
 - (10) Print the identity statement required by subsection (a) in a smaller font than that used for a trademark that includes the name of a geographic origin pursuant to paragraph (7) and in a location other than the front label panel of a package of roasted ~~[or] coffee, instant coffee[-], or ready-to-drink coffee beverage.~~

~~(d)~~ (e) Roasters, manufacturers, or other persons who package roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverages~~ covered by this section shall maintain, for a period of two years, records on the volume and geographic origin or regional origin of coffees purchased ~~[and], sold, and used~~ and any other records required by the department for the purpose of enforcing this section. Authorized employees of the department shall have access to these records during normal business hours.

~~[(e) For the purpose of]~~ (f) As used in this section:

“Geographic origin” means the geographic regions in which Hawaii-grown green coffee beans are produced, as defined in rules adopted under chapter 147; provided that the term “Hawaiian” may be substituted for the geographic origin “Hawaii”.

“Per cent coffee by weight” means the percentage calculated by dividing the weight in pounds of roasted green coffee beans of one geographic or regional origin used in a production run of roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverages~~ by the total weight in pounds of the roasted green coffee beans used in that production run of roasted ~~[or] coffee, instant coffee, or ready-to-drink coffee beverages~~, and multiplying the quotient by one hundred.

“Ready-to-drink coffee beverage” means a prepackaged beverage that consists of or includes coffee and is sold in a prepared form that can be immediately consumed upon purchase. “Ready-to-drink coffee beverage” does not include made-to-order beverages.”

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, 2024.

(Approved July 5, 2023.)

ACT 212

S.B. NO. 1588

A Bill for an Act Relating to Food Safety.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,767,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that, according to the East-West Center's 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 building economic growth in the agricultural sector, increasing resiliency in the face of future supply chain disruptions, and attaining state goals for local food production, including benchmarks for Hawaii's farm-to-school program, food purchasing by state agencies, and food hubs.

The United States Department of Agriculture created the GroupGAP program in 2015 to assist small farms with attaining Good Agricultural Practices (GAP) certification. GroupGAP reduces the cost of food safety certification by spreading the training, technical assistance, and auditing costs between all farms in the group. Hawaii GroupGAP is the only comprehensive farm food safety training program in Hawaii that results in United States Department of Agriculture harmonized Good Agricultural Practices certification, the standard most closely aligned with the United States Food and Drug Administration's food safety guidelines.

In recognizing the need for more locally produced food, the legislature passed Act 136, Session Laws of Hawaii 2022, which required the department of agriculture to partner with the agricultural community to establish a food safety certification training program, and appropriated funds for the training program. However, the funds appropriated were directed in full to the University of Hawaii college of tropical agriculture and human resources, which does not have a United States Department of Agriculture GroupGAP food safety training and certification program. The legislature finds that in order for a GroupGAP food safety training and certification program to be established, an additional appropriation must be made.

Accordingly, the purpose of this Act is to appropriate funds for the establishment of a GroupGAP food safety training and certification program within the department of agriculture.

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 2023-2024 for the department of agriculture to establish and

ACT 213

implement, under program identification number AGR192, general administration for agriculture, a GroupGAP food safety training and certification 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, 2023.

(Approved July 5, 2023.)

Note

1. Act 164.

ACT 213

H.B. NO. 307

A Bill for an Act Relating to Agricultural Park Leases.

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

SECTION 1. Section 166-11, Hawaii Revised Statutes, is amended to read as follows:

“~~§166-11~~ **Lease negotiation.** (a) The department of agriculture may negotiate and enter into leases with any person who:

- (1) As of July 1, 1996, holds a revocable permit for agricultural purposes; or
- (2) Has formerly held an agricultural lease ~~[which]~~ that expired within the last ten years preceding July 1, 1996, and has continued to occupy the state land; and
- (3) Does not own agriculturally-zoned land of twenty-five acres or more in the State, individually or jointly with a spouse, or whose spouse does not own twenty-five acres or more of agriculturally-zoned land in the State.

(b) The land eligible for lease negotiations under this section are limited to those lands:

- (1) Zoned and used for agricultural purposes;
- (2) Set aside by governor's executive order to the department of agriculture for agricultural uses only; and
- (3) Not needed by any state or county agency for any other public purpose.

(c) In negotiating and executing a lease as authorized, the board of agriculture shall:

- (1) Require the appraisal of the parcel to determine the fair market value;
- (2) Require the payment of annual lease rent based on the fair market value established by appraisal;
- (3) Require the payment of a premium, computed at twenty-five per cent of the annual lease rent, with the premium to be added to the annual lease rent for each year of the lease equal to the number of years the lessee has occupied the land, except that the premium period shall not exceed four years; and
- (4) Recover from the lessee the costs of expenditures required by the department to convert the parcel into leasehold.

(d) Within six months from July 1, 1996, the department shall notify in writing the permittees of lands eligible for lease negotiations under this

section and shall inform the permittees of the terms, conditions, and restrictions provided by this section. Any permittee may apply for a lease; provided that the application shall be submitted to the department in writing within thirty days from the date of receipt of notification; provided further that the department may require documentary proof from any applicant to determine that the applicant meets eligibility and qualification requirements for a lease as specified by this section.

(e) Notwithstanding any other law to the contrary, if any lessee holds a lease having a remaining term of fifteen years or less, the department may extend the term of the lease for an additional thirty years; provided that the land covered by the lease is:

- (1) Twenty-five acres or less; and
- (2) Located in a county having a population of less than five hundred thousand.”

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 5, 2023.)

ACT 214

H.B. NO. 695

A Bill for an Act Relating to Fences.

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

SECTION 1. Section 142-61, Hawaii Revised Statutes, is amended to read as follows:

“§142-61 Lawful fence; penalty. (a) Every fence made of stone, posts and rails, posts and boards, posts and wire, or other suitable materials shall be a lawful fence~~;~~; provided that ~~[it is not]~~ the lawful fence shall be no less than four feet in height, substantially built, strong and close, existing in good state of repair, and capable of turning either all stock or all stock excepting swine, attempting to pass through the fence.

(b) Woven wire, or what is otherwise known also as hog-wire, used as a type of wire by itself or with a combination of barbed wire or plain wire, when supported on posts and properly fastened thereto and meeting the minimum height and stock turning requirements prescribed in subsection (a), shall be a lawful fence.

(c) A battery-charged security fence used for non-agricultural purposes shall be a lawful fence; provided that the battery-charged security fence:

- (1) Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the property owner or law enforcement in response to an intrusion or any unauthorized entry;
- (2) Is located on property that is not designated by a county exclusively for residential use;
- (3) Has an energizer that is powered by a commercial storage battery that is no more than twelve volts of direct current;
- (4) Has an energizer that meets the standards set forth in the most current edition of the International Electrotechnical Commission Standard 60335-2-76;

- (5) Is completely surrounded by a non-electric perimeter fence or wall that is no less than five feet in height;
- (6) Does not exceed ten feet in height or is not two feet higher than the non-electric perimeter fence or wall identified in paragraph (5), whichever is higher; and
- (7) Is marked with conspicuous warning signs that are located on the battery-charged security fence at no more than thirty-foot intervals and that read: "WARNING — ELECTRIC FENCE".

(d) Notwithstanding any law to the contrary, no county shall adopt or enforce an ordinance that:

- (1) Requires a permit or fee for the installation or use of a battery-charged security fence that is in addition to any permit for an alarm system that may be issued by the county;
- (2) Imposes installation or operational requirements for a battery-charged security fence that are inconsistent with the requirements set forth in subsection (c); or
- (3) Prohibits the installation or use of a battery-charged security fence.

(e) As used in subsections (c) and (d):

"Alarm system" means any device that is designed for the detection of an unauthorized entry into any building, place, or premises, except motor vehicles, or for alerting others to the commission of an unlawful act, or both, and that emits a sound or transmits a signal or message when activated.

"Battery-charged security fence" means an alarm system and ancillary components, or equipment attached to such a system, including but not limited to:

- (1) A fence;
- (2) A battery-operated energizer that is intended to periodically deliver voltage impulses to the fence to which it is connected; and
- (3) A battery charging device used exclusively to charge the battery.

[(e)] (f) The sea, rivers, ponds, and natural perpendicular bluffs, whenever impassable, shall be lawful fences.

[(d)] (g) Whenever fences are built on any boundary, or within the exterior boundaries of any privately owned land or lot, or within the exterior boundaries of any leased public land or lot, to keep animals confined to certain areas or to keep farms protected against the trespass of animals, except on the boundary of any government road, it shall be lawful to have fence wire electrically charged[-]; provided [~~such~~] that the wire is fastened to insulators supported on posts[-and]; provided [~~also~~] further that the charge supplied shall be through an approved electric fence controller [~~which~~] that shall be labeled or listed as conforming to the standards of either the National Institute of Standards and Technology, the Underwriters Laboratories, Inc., or any other similar institutions of recognized standing[-and]; provided that an electric fence controller intended for use in the State shall bear a recognized commercial trade name and the name of the selling agency of same.

[(e)] (h) Whenever fences are built on any boundary, including on the boundary of any government road, within the exterior boundaries of any privately owned land or lot, or within the exterior boundaries of any leased public land or lot, to keep animals confined to certain areas or to keep farms protected against the trespass of animals, it shall be lawful to attach electrically charged attachments to the interior side of the fence; provided that in the case of wire fences, it shall be lawful to attach electrically charged attachments only to the interior side of posts supporting the wire; [~~and~~] provided further that no person shall be subject to injury by the electrically charged attachments while the person is on or touches the exterior side of the fence or fence posts.

~~[(f)]~~ (i) Any person who constructs or maintains an electrically charged fence or fence with electrically charged attachments not conforming to the requirements of this section shall be fined ~~[nøt]~~ no more than \$500, or imprisoned ~~[nøt]~~ no more than one year, or both.

~~[(g)]~~ (j) Any person who constructs or maintains an electrically charged fence or fence with electrically charged attachments along the boundary of any government road or within the exterior boundaries of any leased public land or lot shall defend, indemnify, and hold harmless, the State, county, or other public entity from all claims, suits, or judgments arising from the use of an electrically charged fence or fence with electrically charged attachments.”

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 5, 2023.)

ACT 215

H.B. NO. 972

A Bill for an Act Relating to the Animal Industry Special Fund.

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

SECTION 1. Section 142-3.6, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§142-3.6~~ **Animal industry special fund.** There is established the animal industry special fund to be administered by the board of agriculture. Moneys received by the board of agriculture from:

- (1) The use or rental of the division of animal industry’s properties or facilities, including the animal quarantine property or facilities pursuant to section 142-3.5; ~~[øf]~~
- (2) Revenue from fees for diagnostic, surveillance, and other work by the animal industry division veterinary laboratory and animal disease control branch; and

~~[(2)]~~ (3) Appropriations or other moneys made available, shall be deposited into the special fund. All interest earned or accrued on moneys deposited in the special fund shall become part of the special fund. Moneys in the special fund shall be expended to cover costs of the division of animal industry, including the costs of salaries, fringe benefits, operating expenses, equipment, motor vehicles, contract with any qualified person or entity for livestock handling services, improvements to laboratory capabilities and operations, and operating and maintenance of the animal industry facilities; provided that moneys in the special fund may be used to fund the department’s resource management and planning programs. A reserve shall be maintained in the special fund to cover contingency costs, including accrued vacation leave, unemployment insurance, and workers’ compensation.”

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 5, 2023.)

A Bill for an Act Relating to Coffee Pest Control.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D.1, S.D.1, C.D.1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,917,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D.1, S.D.1, C.D.1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that coffee is one of the largest agricultural crops in the State and is a highly valued commodity in Hawai'i's economy. In recent years, the coffee berry borer, a small beetle, has infested coffee crops in the Kona and Ka'u; regions of Hawai'i island, and more recently has been detected on O'ahu, Maui, Kaua'i, and Lana'i. In 2020, coffee leaf rust, caused by a fungal pathogen, was discovered for the first time in the State on Maui and Hawai'i island. These two pests threaten the viability of the State's entire coffee industry. Efforts to control coffee berry borer and coffee leaf rust, including the use of United States Food and Drug Administration-approved pesticides, are critical to the local coffee industry, and it is incumbent upon the State to continue to support these efforts.

The legislature further finds that in response to these threats to the industry, the coffee berry borer pesticide subsidy program was established by Act 105, Session Laws of Hawaii 2014 (Act 105), to assist Hawai'i coffee farmers with offsetting the cost of pesticides containing the fungus *Beauveria bassiana*, which is known to control coffee berry borer. Due to a longer-than-anticipated implementation of Act 105, in 2017, the legislature extended the pesticide subsidy program from its original sunset date of June 30, 2019, to June 30, 2021, via Act 65, Session Laws of Hawaii 2017 (Act 65). After continued programmatic success and the initial discovery of coffee leaf rust in the islands, in 2021, the legislature extended the pesticide subsidy program for another two years, adding a subsidy for coffee leaf rust pesticides.

As of December 9, 2022, the department of agriculture has received nine hundred eighty receipts for reimbursement under the coffee berry borer pesticide subsidy program, expending a total of \$812,319.99 for the mitigation of coffee berry borer and coffee leaf rust throughout the State. The legislature finds that, as illustrated by program demand, coffee berry borer and coffee leaf rust continue to pose a severe threat to the State's coffee industry, and it is incumbent upon the State to continue supporting farmers' mitigative efforts, including through reducing the financial burden of having to purchase certain pesticides at market value.

Accordingly, the purpose of this Act is to:

- (1) Extend the pesticide subsidy program to June 30, 2025;

- (2) Extend the pesticide subsidy manager position, including the position's exemptions from civil service and collective bargaining laws, until June 30, 2026; and
- (3) Appropriate funds for the program.

SECTION 3. Act 105, Session Laws of Hawaii 2014, as amended by section 1 of Act 152, Session Laws of Hawaii 2015, as amended by section 2 of Act 65, Session Laws of Hawaii 2017, as amended by section 2 of Act 32, Session Laws of Hawaii 2018, as amended by section 43 of Act 111, Session Laws of Hawaii 2019, as amended by section 2 of Act 138, Session Laws of Hawaii 2021, is amended as follows:

1. By amending subsection (a) of section 3 to read:

“(a) There is established in the department of agriculture a pesticide subsidy program to be administered by the department beginning on July 1, 2014, and ending on June 30, ~~[2023-]~~ 2025. The department shall grant subsidies to coffee growers to assist the coffee growers in offsetting the costs of purchasing any pesticide that is listed by the department pursuant to subsection (f).”

2. By amending subsections (c) through (e) of section 3 to read:

“(c) Documentation of pesticide costs, as requested by the department, shall be filed for pesticides purchased within the immediately preceding fiscal year of filing and shall be effective for pesticide costs incurred after June 30, 2014, and before July 1, ~~[2023-]~~ 2025.

(d) Funds shall be disbursed upon approval on an annual basis by the department to the coffee grower for up to ~~[seventy-five]~~:

- (1) ~~Seventy-five~~ per cent of the costs incurred for the purchase of the pesticide before July 1, 2016~~[-, and for up to fifty]~~;
- (2) Fifty per cent of the costs incurred for the purchase of the pesticide for the period beginning after June 30, 2016, and before July 1, 2023[-]; and
- (3) Seventy-five per cent of the costs incurred for the purchase of the pesticide for the period beginning July 1, 2023, through June 30, 2025.

(e) The department shall aggregate the total subsidy applications pursuant to this section and divide and distribute the available subsidy funds on a pro rata basis; provided that no single coffee grower shall receive subsidies that are more than \$600 per year for coffee berry borer control and more than \$600 per year for coffee leaf rust control per acre of land in coffee production; provided further that no single coffee grower shall receive subsidies that are more than \$9,000 per year; provided further that no single coffee grower shall receive subsidies that total more than \$6,000 per year for the period after June 30, 2018, and before July 1, 2021; provided further that no single coffee grower shall receive subsidies that total more than \$12,000 per year for the period after June 30, 2021, and before July 1, ~~[2023-]~~ 2025.”

3. By amending subsections (g) and (h) of section 3 to read:

“(g) There is established within the department a pesticide subsidy program manager position, which shall be a full-time, temporary position exempt from chapters 76 and 89, Hawaii Revised Statutes. The pesticide subsidy 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 pesticide subsidy program manager shall:

- (1) Facilitate the efficient division and distribution of available subsidy funds; and
- (2) Manage the day-to-day coordination for the pesticide subsidy program.

ACT 217

The pesticide subsidy program manager shall receive a salary of not more than \$50,000 per year. The pesticide subsidy program manager position, including the position's exemption from chapters 76 and 89, Hawaii Revised Statutes, shall expire on June 30, ~~[2024.] 2026.~~

(h) Not later than twenty days prior to the convening of the regular session of ~~[2023.] 2025,~~ the department shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature on the results of the subsidy program and whether the program should be allowed to expire or be extended, and if extended, with or without modification.”

4. By amending section 6 to read:

“SECTION 6. This Act shall take effect on July 1, 2014; provided that:

- (1) Section 3 shall be repealed on June 30, ~~[2023.] 2025,~~ except that section 3(g) shall be repealed on June 30, ~~[2024.] 2026;~~ and
- (2) The amendment made to section 149A-13.5(b), Hawaii Revised Statutes, under section 2 of this Act shall not be repealed when section 149A-13.5(b), Hawaii Revised Statutes, is repealed and re-enacted on June 30, 2015, by section 4 of Act 168, Session Laws of Hawaii 2010.”

SECTION 4. 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 2023-2024 to be deposited into the pesticide use revolving fund established under section 149A-13.5, Hawaii Revised Statutes.

SECTION 5. There is appropriated out of the pesticide use revolving fund the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the operation and implementation of the pesticide subsidy program.

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

SECTION 6² Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval; provided that sections 4 and 5 of this Act shall take effect on July 1, 2023.

(Approved July 5, 2023.)

Notes

1. Act 164.
2. So in original.

ACT 217

S.B. NO. 1552

A Bill for an Act Relating to Invasive Species.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,267,367 or 11.0 per

cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that little fire ants are an invasive species that are spreading rapidly throughout the State. Little fire ants have a painful sting that can cause long-lasting itchy rashes or welts and also irritate, and sometimes blind, household pets. Additionally, these pests cause significant disruption and economic damage to Hawaii.

The legislature further finds that the Hawaii ant lab was established in 2009 to address the overwhelming need for research, advice, and technical assistance to address and eradicate rapidly spreading little fire ant infestations. The Hawaii invasive species council and Hawaii department of agriculture provided the majority of funding for the Hawaii ant lab. However, that funding ceased due to budget cuts and the repeal of the agricultural development and food security special fund. The reduction in funding has led to staff having to reduce working hours for parts of 2021 and 2022. While the legislature made a one-time appropriation of \$500,000 in 2022 to address the funding shortfall and help the Hawaii ant lab retain its staff, the funding for the 2023-2024 fiscal year is uncertain.

The purpose of this Act is to appropriate funds to support the Hawaii ant lab in mitigating the effects of little fire ants in the State.

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 2023-2024 for LNR402, native resources and fire protection program, to support the Hawaii ant lab in mitigating the effects of little fire ants in the State.

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, 2023.

(Approved July 5, 2023.)

Note

1. Act 164.

ACT 218

S.B. NO. 833

A Bill for an Act Relating to the Wahiawa Irrigation System.

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

PART I

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300,

H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,089,767,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (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.

PART II

SECTION 2. The legislature finds that the Wahiawa irrigation system is a critical irrigation system providing water to farmers in Wahiawa, Waialua, and Haleiwa on the island of Oahu. Built by the Waialua Sugar Company, the Wahiawa irrigation system was created with a dam and freshwater reservoir fed by the north fork and south fork of the Kaukonahua stream. The dam is essential to agriculture as the water in the reservoir provides irrigation to farmers in Wahiawa, Waialua, and Haleiwa. The reservoir also provides a venue for recreational activities for the surrounding community and the State.

The legislature further finds that Dole Food Company, Inc., has listed the irrigation system for sale for \$20,000,000. The Dole portion of the system includes the Wahiawa reservoir, Wahiawa dam, and ditch system. The spillway, owned by Sustainable Hawaii, LLC, is also an integral component of the irrigation system. Dole has offered to donate its interests to the State of Hawaii in exchange for the State's agreement to repair the spillway to meet and maintain dam safety standards. It is in the interest of the public for the State to acquire the Wahiawa irrigation system and preserve the system for public access and the agriculture industry.

The purpose of this Act is to authorize the department of agriculture, department of land and natural resources, and agribusiness development corporation to acquire the Wahiawa irrigation system, on terms negotiated and agreed upon by the office of the governor, or by eminent domain, and to purchase, repair, and maintain the associated spillway.

PART III

SECTION 3. (a) The office of the governor shall negotiate with Wahiawa Water Company, Inc.; Dole Food Company, Inc.; Sustainable Hawaii, LLC; or any other appropriate owner for the State's fee simple acquisition of the Wahiawa irrigation system.

(b) The department of land and natural resources may acquire from Wahiawa Water Company, Inc., or Dole Food Company, Inc., on terms agreed upon by the office of the governor, the fee simple interest in the Wahiawa irrigation system, including the following parcels:

- (1) TMK (1) 7-3-001-003;
- (2) TMK (1) 7-3-001-019;
- (3) TMK (1) 7-3-006-023;
- (4) TMK (1) 7-3-007-001;
- (5) TMK (1) 7-3-008-001;
- (6) TMK (1) 7-3-010-003;
- (7) TMK (1) 7-3-011-003;
- (8) TMK (1) 7-3-011-006;

- (9) TMK (1) 7-3-011-007;
- (10) TMK (1) 7-3-012-002;
- (11) TMK (1) 7-3-012-006;
- (12) TMK (1) 7-4-001-003; and
- (13) TMK (1) 7-4-012-001.

(c) The department of agriculture may acquire:

- (1) From Dole Food Company, Inc., or the appropriate owner, a fee simple interest in the Wahiawa dam, on terms agreed upon by the office of the governor; and
- (2) From Sustainable Hawaii, LLC, a fee simple interest in the spillway associated with the Wahiawa irrigation system, located at parcel TMK (1) 7-1-012-014; provided that the sale terms shall be conditioned on an appraisal of the property pursuant to section 171-30, Hawaii Revised Statutes.

(d) The agribusiness development corporation may acquire from Dole Food Company, Inc., or the appropriate owner, on terms agreed upon by the office of the governor, the ditch system associated with the Wahiawa irrigation system.

(e) The agribusiness development corporation may acquire from Wahiawa Water Company, Inc.; Dole Food Company, Inc.; or Sustainable Hawaii, LLC; on terms agreed upon by the office of the governor, the fee simple interest in the Wahiawa irrigation system, including the following parcels:

- (1) TMK (1) 7-1-001-013;
- (2) TMK (1) 7-1-001-017;
- (3) TMK (1) 7-1-012-003;
- (4) TMK (1) 7-1-012-004;
- (5) TMK (1) 7-1-012-007;
- (6) TMK (1) 7-3-005-005; and
- (7) TMK (1) 7-3-013-003.

(f) The department of land and natural resources shall not impose administrative fines on the department of agriculture for safety deficiencies at Wahiawa dam or the associated spillway; provided that the department of agriculture shall repair and maintain the Wahiawa dam and spillway and shall ensure the structures meet dam safety standards.

(g) No fines owed by Wahiawa Water Company, Inc.; Dole Food Company, Inc.; or Sustainable Hawaii, LLC; for violations of dam safety standards at Wahiawa dam or the associated spillway shall transfer to the State upon the sale of the property to the State.

SECTION 4. Notwithstanding any law to the contrary, all users of water associated with the Wahiawa irrigation system shall pay such rates sufficient to operate and maintain the irrigation system as prescribed by the agribusiness development corporation.

SECTION 5. The State may by exercise of eminent domain acquire the Wahiawa dam, the spillway associated with the Wahiawa irrigation system, and the ditch system associated with the Wahiawa irrigation system, including all parcels in this Act.

PART IV

SECTION 6. 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 2023-2024 for the department of agriculture to acquire a fee simple

ACT 219

interest in the spillway associated with the Wahiawa irrigation system, located at parcel TMK (1) 7-1-012-014; provided that the sale terms shall be conditioned on an appraisal of the property pursuant to section 171-30, Hawaii Revised Statutes; provided further that if negotiations for the acquisition of the property are unsuccessful, the appropriation shall be used for an eminent domain action to acquire the property; provided further that moneys from the appropriation may be expended for an eminent domain action and its associated costs.

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

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$21,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the department of agriculture 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; provided that the expenditure of the appropriation is contingent upon the State's acquisition of the property.

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

PART V

SECTION 8. If the transfer of all properties authorized to be acquired by this Act are not filed or recorded with the bureau of conveyances by June 30, 2026, the governor shall notify the legislature and the revisor of statutes by June 30, 2026, that the conveyance was not filed or recorded with the bureau of conveyances, and this Act shall be repealed in its entirety on July 1, 2026.

SECTION 9. If the transfer of all properties authorized to be acquired by this Act are filed or recorded with the bureau of conveyances by June 30, 2026, the governor shall notify the legislature and the revisor of statutes by June 30, 2026, that the transfer of all properties authorized to be acquired by this Act were filed or recorded with the bureau of conveyances, and this Act shall not be repealed and the appropriations authorized pursuant to this Act shall not lapse at the end of the fiscal year for which the moneys were appropriated; provided that all moneys that remain unexpended or unencumbered on June 30, 2026, shall lapse.

SECTION 10. This Act shall take effect on July 1, 2023.

(Approved July 5, 2023.)

Note

1. Act 164.

ACT 219

H.B. NO. 615

A Bill for an Act Relating to Restrictions on Agricultural Uses and Activities.

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

SECTION 1. Section 205-4.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Agricultural uses and activities as defined in sections 205-2(d) and 205-4.5(a) on lands classified as agricultural shall not be restricted by any private agreement contained in any:

- (1) Deed, agreement of sale, or other conveyance of land recorded in the bureau of conveyances after July 8, 2003, that subjects the agricultural lands to any servitude, including but not limited to covenants, easements, or equitable and reciprocal negative servitudes; provided that any private agreement contained in a conveyance of land recorded on or before July 8, 2003, that:
 - (A) Limits or prohibits agricultural use or activity; and
 - (B) Is renewed and recorded in the bureau of conveyances after July 8, 2003,

shall be considered a new private agreement that is subject to the prohibition on agricultural use and activity restrictions under this section; provided further that any provision in a private agreement contained in a conveyance of land recorded on or before July 8, 2003, that limits or prohibits agricultural use or activity and has since expired but has not been renewed and recorded in the bureau of conveyances shall be void; and

- (2) Condominium declaration, map, bylaws, and other documents executed and submitted in accordance with chapter 514B or any predecessor thereto.

Any private restriction limiting or prohibiting agricultural use or activity shall be voidable, subject to special restrictions enacted by the county ordinance pursuant to section 46-4; except that restrictions taken to protect environmental or cultural resources, agricultural leases, utility easements, and access easements shall not be subject to this section.”

SECTION 2. New statutory material is underscored.

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

(Approved July 5, 2023.)

ACT 220

H.B. NO. 692

A Bill for an Act Relating to Pesticides.

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

SECTION 1. The legislature finds that enforcement of the Hawaii pesticides law, including timely and routine inspections and compliance investigations of potential misuse of pesticides, are crucial to protecting public health and ensuring public confidence in the State’s oversight of pesticide use.

Accordingly, the purpose of this Act is to protect the State’s residents and environment and ensure more stringent enforcement of the Hawaii pesticides law by increasing monetary fines for pesticide violations.

SECTION 2. Section 149A-41, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) Administrative penalties.

- (1) In general, any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this

- chapter may be assessed an administrative penalty by the board of not more than [~~\$5,000~~] \$10,000 for each offense;
- (2) Any private applicator or other person not included in paragraph (1) who violates any provision of this chapter relating to the use of pesticides while on property owned or rented by that person or the person's employer, subsequent to receiving a written warning from the department or following a citation for a prior violation, may be assessed an administrative penalty by the board of not more than [~~\$1,000~~] \$5,000 for each offense. Any private applicator or other person not included in paragraph (1) who violates any provision of this chapter relating to licensing, transport, sale, distribution, or application of a pesticide for commercial purposes may be assessed an administrative penalty as provided in paragraph (1);
 - (3) No administrative penalty shall be assessed unless the person charged shall have been given notice and an opportunity for a hearing on the specific charge in the county of the residence of the person charged. The administrative penalty and any proposed action contained in the notice of finding of violation shall become a final order unless, within twenty days of receipt of the notice, the person or persons charged make a written request for a hearing. In determining the amount of penalty, the board shall consider the appropriateness of the penalty to the size of the business of the person charged, the effect on the person's ability to continue business, and the gravity of the violation; and
 - (4) In case of inability to collect the administrative penalty or failure of any person to pay all or such portion of the administrative penalty as the board may determine, the board shall refer the matter to the attorney general, who shall recover the amount by action in the appropriate court. For any judicial proceeding to recover the administrative penalty imposed, the attorney general need only show that notice was given, a hearing was held or the time granted for requesting a hearing has expired without such a request, the administrative penalty was imposed, and that the penalty remains unpaid.
- (c) Criminal penalties.
- (1) In general, any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who knowingly violates any provision of this chapter shall be guilty of a misdemeanor and shall on conviction be fined not more than [~~\$25,000;~~] \$35,000 or imprisoned for not more than one year, or both.
 - (2) Any private applicator or other person not included in paragraph (1) who knowingly violates any provision of this chapter shall be guilty of a misdemeanor and shall on conviction be fined not more than [~~\$1,000;~~] \$5,000 or imprisoned for not more than one year, or both.
 - (3) Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, shall be fined not more than \$10,000, or imprisoned for not more than three years, or both.”

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, 2023.

(Approved July 5, 2023.)

ACT 221

S.B. NO. 1417

A Bill for an Act Relating to Climate Change.

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

SECTION 1. The legislature finds that climate change and sea level rise pose significant, dangerous, and imminent threats to the State's social and economic well-being, public safety, nature and environment, cultural resources, property, infrastructure, and government functions and will likely have a disproportionate impact on low-income and otherwise vulnerable communities. A 2017 report by the National Oceanic and Atmospheric Administration projected that 3.2 feet of global mean sea level rise will occur by 2100 in an intermediate scenario and could occur as early as the 2060s in an extreme scenario.

The climate change adaptation priority guidelines of the Hawaii State Planning Act, codified under chapter 226, Hawaii Revised Statutes, direct the State to prepare for the impacts of climate change. Additionally, section 226-109(8), Hawaii Revised Statutes, fosters cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other nongovernmental entities, including nonprofit entities, to address climate change. Also, section 225M-9, Hawaii Revised Statutes, requires the office of planning and sustainable development to work with state agencies to identify existing and planned facilities, including critical infrastructure, that are vulnerable to sea level rise, flooding impacts, and natural hazards, utilizing projections and map data from the most recent update of the Hawaii sea level rise vulnerability and adaptation report, the state hazard mitigation plan, and other pertinent data and scientific reports to aid in this planning.

The legislature recognizes that the Hawaii community development authority plans, coordinates, and implements new infrastructure and development projects in the Kaka'ako and Kalaeloa community development districts on Oahu. Additionally, the Kaka'ako community development district will be threatened by the effects of climate change, including sea level rise, king tides, and heavy rainfall, and the lack of drainage infrastructure in the Kalaeloa community development district makes it vulnerable to heavy rainfall and other effects of climate change. As such, the legislature further finds that it is in the State's long-term interest and would serve the highest needs and aspirations of Hawaii's people to ensure that development in the Kaka'ako and Kalaeloa community development districts accounts and plans for the impacts of climate change.

Furthermore, it is in the long-term interest of the State to also consider climate resiliency in the development of these communities, which considers strategies to reduce the vulnerability from climate-related shocks, such as hurricanes and drought, and improves the ability to recover from these disasters.

The purpose of this Act is to require the Hawaii community development authority to consider the impacts of climate change, sea level rise, and climate-

resilient development in the design and siting of buildings in the Kaka‘ako and Kalaeloa community development districts.

SECTION 2. Section 206E-33, Hawaii Revised Statutes, is amended to read as follows:

“§206E-33 Kakaako community development district; development guidance policies. The following shall be the development guidance policies generally governing the authority’s action in the Kakaako community development district:

- (1) Development shall result in a community which permits an appropriate land mixture of residential, commercial, industrial, and other uses. In view of the innovative nature of the mixed use approach, urban design policies should be established to provide guidelines for the public and private sectors in the proper development of this district; while the authority’s development responsibilities apply only to the area within the district, the authority may engage in any studies or coordinative activities permitted in this chapter which affect areas lying outside the district, where the authority in its discretion decides that those activities are necessary to implement the intent of this chapter. The studies or coordinative activities shall be limited to facility systems, resident and industrial relocation, and other activities with the counties and appropriate state agencies. The authority may engage in construction activities outside of the district; provided that such construction relates to infrastructure development or residential or business relocation activities; provided further, notwithstanding section 206E-7, that such construction shall comply with the general plan, development plan, ordinances, and rules of the county in which the district is located;
- (2) Existing and future industrial uses shall be permitted and encouraged in appropriate locations within the district. No plan or implementation strategy shall prevent continued activity or redevelopment of industrial and commercial uses which meet reasonable performance standards;
- (3) Activities shall be located so as to provide primary reliance on public transportation and pedestrian facilities for internal circulation within the district or designated subareas;
- (4) Major view planes, view corridors, and other environmental elements such as natural light and prevailing winds, shall be preserved through necessary regulation and design review; provided that no portion of any building or structure in the Kakaako Mauka area shall exceed four hundred eighteen feet in height;
- (5) Redevelopment of the district shall be compatible with plans and special districts established for the Hawaii Capital District, and other areas surrounding the Kakaako district;
- (6) Historic sites and culturally significant facilities, settings, or locations shall be preserved;
- (7) Land use activities within the district, where compatible, shall to the greatest possible extent be mixed horizontally, that is, within blocks or other land areas, and vertically, as integral units of multi-purpose structures;
- (8) Residential development may require a mixture of densities, building types, and configurations in accordance with appropriate urban design guidelines; integration both vertically and horizontally of residents of varying incomes, ages, and family groups; and an

increased supply of housing for residents of low- or moderate-income may be required as a condition of redevelopment in residential use. Residential development shall provide necessary community facilities, such as open space, parks, community meeting places, child care centers, and other services, within and adjacent to residential development; ~~and~~

- (9) Public facilities within the district shall be planned, located, and developed so as to support the redevelopment policies for the district established by this chapter and plans and rules adopted pursuant to it[-]; ~~and~~
- (10) Development shall consider the impacts of climate change, sea level rise, and climate-resilient development in the design and siting of buildings.”

SECTION 3. Section 206E-194, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~206E-194 **Kalaeloa community development district; development guidance policies.** The following development guidance policies shall generally govern the authority’s actions in the Kalaeloa community development district:

- (1) Development shall be in accordance with the community reuse plan, except as it conflicts with the Hawaii State Constitution and the Hawaii Revised Statutes, as they relate to the department of Hawaiian home lands;
- (2) With the approval of the governor and concurrence of the Navy, and in accordance with state law governing lands owned by the department of Hawaiian home lands, the authority, upon the concurrence of a majority of its voting members, may modify and make changes to the reuse plan to respond to changing conditions; provided that prior to amending the reuse plan the authority shall conduct a public hearing to inform the public of the proposed changes and receive public input;
- (3) Development shall seek to promote economic development and employment opportunities by fostering diverse land uses and encouraging private sector investments that utilize the opportunities presented by the receipt of property from the base closure consistent with the needs of the public;
- (4) The authority may engage in planning, design, and construction activities within and outside of the district; provided that activities outside of the district shall relate to infrastructure development, area-wide drainage improvements, roadways realignments and improvements, business and industrial relocation, and other activities the authority deems necessary to carry out redevelopment of the district and implement this chapter. Studies or coordinating activities may be undertaken by the authority in conjunction with the county and appropriate state agencies and may address facility systems, industrial relocation, and other activities;
- (5) Planning, replanning, rehabilitation, development, redevelopment, and other preparation for reuse of Barbers Point Naval Air Station under this chapter are public uses and purposes for which public money may be spent and private property acquired;
- (6) Hawaiian archaeological, historic, and cultural sites shall be preserved and protected. Endangered species of flora and fauna and significant military facilities shall be preserved to the extent feasible;

ACT 222

- (7) Land use and redevelopment 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 redevelopment policies established by this chapter for the district, the reuse plan approved by the governor, and rules adopted pursuant to this chapter~~[-]; and~~
- (9) Development shall consider the impacts of climate change, sea level rise, and climate-resilient development in the design and siting of buildings.”

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 5, 2023.)

ACT 222

S.B. NO. 1534

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, as fuel tax revenues decrease, the department of transportation has recommended the adoption of a per-mile road usage charge to provide fair and sustainable funding for the State’s road infrastructure. The legislature further finds that with its existing vehicle inspection program, Hawaii is well-positioned to transition to a per-mile road usage charge system with low administrative costs. In 2019, the legislature enacted an annual registration surcharge on electric vehicles to account for their road usage. The legislature now finds that replacing the existing annual \$50 registration surcharge on electric vehicles with a mileage-based road usage charge for electric vehicles is a first step in the eventual statewide transition to a per-mile road usage charge for all vehicles, which will serve as a replacement of the state motor fuel tax with all vehicles paying the per-mile road usage charge. With the increase in public support for fuel-efficient electric and alternative fuel vehicles, the shift to a charge based on road usage is fair to all drivers within the State and ensures that the owners of all vehicles, including alternative fuel vehicles, pay a fair share of Hawaii’s roadway maintenance costs. To implement a per-mile road usage charge program, the legislature further finds that a long-term implementation plan would aid in the deployment and eventual inclusion of all passenger vehicles and light duty trucks.

The purpose of this Act is to:

- (1) Create a mileage-based road usage charge to replace state motor fuel taxes for electric vehicles, to be developed by the department of transportation;
- (2) Eliminate the annual state vehicle registration surcharge for electric vehicles;
- (3) Allow electric vehicle owners to pay a registration surcharge or a per-mile road usage charge until June 30, 2028;
- (4) Amend certain requirements for motor vehicle registration applications and certificates of inspection; and

- (5) Appropriate funds for the initial implementation of the mileage-based road usage charge.

SECTION 2. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§249- State mileage-based road usage charge. (a) Beginning July 1, 2025, in addition to all other fees and taxes levied by this chapter, electric vehicles shall be subject to a state mileage-based road usage charge. The state mileage-based road usage charge shall be calculated by the county director of finance at the rate of 0.8 cents per mile traveled, multiplied by the number of miles traveled, less the estimated amount of paid state fuel taxes that correspond with the number of miles traveled. The department shall adopt rules pursuant to chapter 91 to determine the method for calculating the estimated amount of paid state fuel taxes that correspond with the number of miles traveled. The number of miles traveled shall be calculated as the difference between the vehicle’s two most recent odometer readings, as noted on the vehicle’s certificate of inspection pursuant to section 286-26(e). The state mileage-based road usage charge shall be not less than \$0, and the state mileage-based road usage charge shall be not more than \$50 per year. For the first registration renewal of new motor vehicles for which no certificate of inspection is required, the state mileage-based road usage charge assessed shall be \$50, and such amount once paid shall be subtracted from the calculation of the state mileage-based road usage charge upon that vehicle’s second registration renewal.

(b) The state mileage-based road usage charge shall be paid each year following the vehicle’s most recent inspection 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 so that the state mileage-based road usage charge is due and payable at the same time and shall be collected together with the county vehicle weight tax. The state mileage-based road usage charge shall be deemed delinquent if not paid with the county registration fee. The respective counties shall collect this road usage charge together with the vehicle weight tax collected for the county and shall transfer the moneys collected under this section to the state director of finance for deposit into the state highway fund established under section 248-8.

(c) Vehicles subject to the state mileage-based road usage charge shall include all electric vehicles in the State except for vehicles that qualify for any of the exemptions in sections 249-4, 249-5.5, 249-6, and 249-6.5.

(d) Until June 30, 2028, owners of electric vehicles shall be offered a choice to pay a \$50 registration surcharge in lieu of the state mileage-based road usage charge.

(e) The department of transportation shall develop a long-term mileage-based road usage charge implementation plan that includes findings, recommendations, implementation phase schedules, and proposed legislation for the deployment of a state mileage-based road usage charge program to encompass all passenger vehicles and light duty trucks by December 31, 2033. The plan shall also include recommendations for ensuring compatibility with the deployment of a mileage—based¹ road usage charge by any county and recommendations on how to ensure that broad implementation continues to account for and incentivize more fuel-efficient vehicles. The plan shall be completed and submitted to the legislature no later than twenty days prior to the convening of the regular session of 2026.

(f) The department of transportation shall adopt rules pursuant to chapter 91 for establishing and administering the state mileage-based road usage charge.

(g) For the purposes of this section, “electric vehicle” means a vehicle, with three or more wheels, a gross vehicle weight rating less than or equal to ten thousand pounds, and the capability to operate legally at a speed of more than thirty-five miles per hour, that draws propulsion energy exclusively from a battery that can be recharged from an external source of electricity.”

SECTION 3. Section 249-31, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(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 \$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]~~ surcharge 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.

For the purposes of this subsection, “alternative fuel vehicle” means a vehicle powered by a non-petroleum-based fuel, but excludes an electric vehicle as defined in section 249- (g).”

SECTION 4. Section 286-26, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Upon application for a certificate of inspection to be issued for a vehicle or moped, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle or moped, and if the vehicle or moped is found to be in a safe operating condition, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. The certificate shall state the effective date, the termination date, the name of the issuing insurance carrier, ~~[and]~~ the policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified by section 431:10C-107 or state the information contained in the proof of insurance card as specified by section 431:10G-106[-], and the odometer reading of the vehicle on the date of inspection. A sticker, authorized by the director, shall be affixed to the vehicle or moped at the time a certificate of inspection is issued. An inspection sticker ~~[which]~~ that has been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original inspection sticker upon presentation of the current certificate of inspection; provided that the current certificate of inspection and inspection sticker shall not have expired at the time the replacement is requested. The director shall adopt rules to determine the fee for replacement of lost, stolen, or destroyed inspection stickers.”

SECTION 5. Section 286-41, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Application for the registration of a vehicle shall be made upon the appropriate form furnished by the director of finance and shall contain the name, occupation, and address of the owner and legal owner; and, if the applicant is a

member of the United States naval or military forces, the applicant shall give the organization and station. All applications shall also contain a description of the vehicle, including: the name of the maker; the type of fuel for the use of which it is adapted, such as gasoline, diesel oil, liquefied petroleum gas^[§], or battery electricity; the serial or motor number; the date first sold by the manufacturer or dealer; a further description of the vehicle as is called for in the form; and other information as may be required by the director of finance, to establish legal ownership. A person applying for initial registration of a neighborhood electric vehicle shall certify in writing that a notice of the operational restrictions applying to the vehicle as provided in section 291C-134 are contained on a permanent notice attached to or painted on the vehicle in a location that is in clear view of the driver.”

SECTION 6. There is appropriated out of the state highway fund, the sum of \$1,300,000 or so much thereof as may be necessary for fiscal year 2023-2024 to be used with available federal funds, for the initial implementation of the state mileage-based road user charge established pursuant to section 2 of this Act.

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

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 8. This Act shall take effect on July 1, 2023; provided that sections 3, 4, and 5 of this Act shall take effect on July 1, 2025.

(Approved July 5, 2023.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.

ACT 223

S.B. NO. 1173

A Bill for an Act Relating to Vehicles.

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 I to be appropriately designated and to read as follows:

“§291- Intentional release of exhaust emissions prohibited; penalty.

(a) No person shall cause a diesel- or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle when modifications to a vehicle’s parts are adjusted to bypass pollution controls, or the vehicle is equipped with defeat devices, including electronic programmers or tuners to adjust fuel and timing settings while also turning off certain emission controls that are designed to inhibit the release of visible exhaust.

(b) This section shall not apply to:

- (1) Drag racing events that are organized by government or private entities and either sanctioned by an official hot rod association or held on a track sanctioned by an official hot rod association;
- (2) Military events;

ACT 224

- (3) Community events; and
- (4) Parade events.
- (c) Any person who violates this section shall be fined no less than \$500.”

SECTION 2. New statutory material is underscored.¹

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

(Approved July 5, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 224

S.B. NO. 691

A Bill for an Act Relating to Efficiency Standards.

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

SECTION 1. The legislature finds that the high cost of living in Hawaii adds to the importance of adopting policies that promote and encourage energy efficiency, which can provide relief for families and businesses faced with high utility bills. In 2019, the legislature took the notable step of establishing minimum energy and water efficiency standards for certain products sold, leased, or rented in the State. These standards are estimated to result in \$169,700,000 in cumulative utility bill savings for Hawaii over the next fifteen years.

The legislature further finds that water conservation is growing in significance for a variety of reasons, including increasing incidence of drought conditions and the fuel spills at Red Hill that have led to the closure of the Halawa shaft, which previously provided twenty per cent of the water supply for urban Honolulu. Water efficiency and energy efficiency are closely linked, because pumping water requires energy, and water conservation leads to energy conservation.

The legislature also finds that expanding the list of products requiring minimum efficiency standards can help Hawaii save millions of dollars on utility bills annually and can offer even more benefits for Hawaii residents, businesses, the environment, and the economy as a whole. Adopting additional minimum efficiency standards, among other benefits, could:

- (1) Provide a boost to the local economy as a result of consumers and businesses spending their financial savings on other goods and services in the State;
- (2) Protect consumers from manufacturers who would otherwise unload less-efficient appliances that the manufacturers could not sell in other states with heightened efficiency standards;
- (3) Ensure that Hawaii residents do not miss out on potential savings while awaiting uncertain progress regarding standards to be adopted at the federal level;
- (4) Conserve and protect the State's precious and vulnerable water resources, the importance of which has recently been underscored by the Red Hill water crisis;
- (5) Lower electricity bills for residents and businesses by millions of dollars annually; and

- (6) Reduce air pollutants and greenhouse gas emissions, which could result in public health benefits and help the State meet its clean energy and climate change mitigation targets.

Numerous states, including California, Colorado, Connecticut, Maine, Maryland, Massachusetts, Nevada, New Jersey, Oregon, Rhode Island, Vermont, and Washington, have adopted robust state energy and water efficiency standards to take advantage of these benefits. The legislature believes that these states can serve as important sources of information for the enforcement and implementation of new or amended energy and water efficiency standards in Hawaii.

Furthermore, the legislature finds that most of the products encompassed by this Act are equal in cost to noncompliant products or have a short payback period ranging from zero to seven months.

Accordingly, the purpose of this Act is to:

- (1) Authorize the chief energy officer of the Hawaii state energy office, instead of the director of business, economic development, and tourism, to adopt rules to enforce minimum efficiency standards for certain products and adopt or amend minimum efficiency standards in certain situations; and
- (2) Regulate the minimum efficiency standards for portable electric spas, residential ventilating fans, toilets, urinals, and water coolers.

SECTION 2. Section 196-81, Hawaii Revised Statutes, is amended as follows:

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

“Chief energy officer” means the chief energy officer of the Hawaii state energy office.

“Plumbing fixture” means an exchangeable device that connects to a plumbing system to deliver and drain away water and waste.

“Portable electric spa” means a factory-built electric spa or hot tub, which may include any combination of integral controls, water heating, or water circulating equipment.

“Residential ventilating fan” means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to the outdoors.

“Toilet” or “water closet” means a plumbing fixture that includes a water-containing receptor that is designed to receive liquid and solid human waste through an exposed integral trap into a drainage system. “Toilet” or “water closet” includes a dual-flush toilet.

“Trough-type urinal” means a urinal designed for simultaneous use by two or more persons.

“Urinal” means a plumbing fixture that is designed to receive only liquid body waste and conveys the waste through a trap into a drainage system. “Urinal” includes a trough-type urinal.

“Water cooler” means a freestanding device that consumes energy in order to dispense cold water, room-temperature water, hot water, or any combination thereof. “Water cooler” includes a storage-type water cooler and an on-demand water cooler.”

2. By amending the definition of “showerhead” to read:

“Showerhead” means a device through which water is discharged for a shower or bath. [Showerhead] “Showerhead” includes handheld showerheads

and any other showerhead~~[, including a handheld showerhead]~~, except a safety showerhead.”

3. By deleting the definitions of “department” and “director”.

[“~~Department~~” means the department of business, economic development, and tourism:

~~“Director” means the director of business, economic development, and tourism.”]~~

SECTION 3. Section 196-83, Hawaii Revised Statutes, is amended to read as follows:

~~“[§196-83]~~ **Rules.** The ~~[director]~~ chief energy officer may adopt rules pursuant to chapter 91 to ~~[enforce]~~:

- (1) Enforce the minimum efficiency standards [for the types of new products] set forth in section [196-84.] 196-85; and
- (2) Adopt or amend efficiency standards for any products as the chief energy officer deems appropriate, including but not limited to those products listed or incorporated in section 196-84(a); provided that the chief energy officer shall set efficiency standards upon a determination that new or increased efficiency standards would serve to promote energy or water conservation in the State and would be cost-effective for consumers who newly purchase and use those products; provided further that no new or increased efficiency standards shall become effective within one year following the adoption of any amended rules establishing the new or increased efficiency standards.”

SECTION 4. Section 196-84, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) ~~[Appliance]~~ Minimum efficiency standards are established under this part for the following ~~[appliances.]~~ products, if standards for these ~~[appliances]~~ products are not preempted by federal law:

- (1) Computers and computer monitors;
- (2) Faucets;
- (3) High color rendering index fluorescent lamps;
- (4) Portable electric spas;
- (5) Residential ventilating fans;
- ~~[(4)]~~ (6) Showerheads; [and
- ~~(5)]~~ (7) Spray sprinkler bodies[-];
- (8) Toilets;
- (9) Urinals; and
- (10) Water coolers.”

SECTION 5. Section 196-85, Hawaii Revised Statutes, is amended to read as follows:

~~“[§196-85]~~ ~~Appliance]~~ **Minimum efficiency standards.** ~~[(a)]~~ The following minimum efficiency standards shall apply to products listed or incorporated in section 196-84:

- (1) Computers and computer monitors shall meet the requirements set forth in California Code of Regulations, Title 20, Section 1605.3, as amended;
- (2) Faucets shall meet the minimum efficiency standards set forth in California Code of Regulations, Title 20, Section 1605.1, as amended;
- (3) High color rendering index fluorescent lamps shall meet the minimum efficacy requirements contained in ~~[Section]~~ title 10 Code of

- Federal Regulations section 430.32(n)(4) [of Title 10 of the Code of Federal Regulations], as in effect on January 3, 2017, as measured in accordance with [Appendix] title 10 Code of Federal Regulations part 430, appendix R to [Subpart] subpart B [of Part 430 of Title 10 of the Code of Federal Regulations]—“Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps”—as amended;
- (4) Portable electric spas shall meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency (ANSI/APSP/ICC 14-2019);
- (5) In-line residential ventilating fans shall have a fan motor efficacy of not less than 2.8 cubic feet per minute per watt. All other residential ventilating fans shall have a fan motor efficacy of not less than 1.4 cubic feet per minute per watt for airflows less than ninety cubic feet per minute and not less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with Home Ventilation Institute Publication 916 “HVI Airflow Test Procedure”;
- ~~(4)~~ (6) Showerheads shall meet the minimum efficiency standards set forth in California Code of Regulations, Title 20, Section 1605.1, as amended; and
- ~~(5)~~ (7) Spray sprinkler bodies that are not specifically excluded from the scope of the Environmental Protection Agency’s WaterSense Specification for Spray Sprinkler Bodies, Version 1.0, shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of that specification, as amended[-];
- (8) Toilets, water closets, and urinals, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards shown in subparagraphs (A) to (D) when tested in accordance with title 10 Code of Federal Regulations Part 430, appendix T to subpart B — “Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals” — and toilets shall pass the waste extraction test for water closets (Section 7.9) of the American Society of Mechanical Engineers A112.19.2/CSA B45.1-2018:
- (A) Wall-mounted urinals, except for trough-type urinals and urinals designed and marketed exclusively for use in prisons and mental health care facilities, shall have a maximum flush volume of 0.5 gallon per flush;
- (B) Floor-mounted urinals, except for trough-type urinals and urinals designed and marketed exclusively for use in prisons and mental health care facilities, shall have a maximum flush volume of 0.5 gallon per flush;
- (C) Toilets, except for dual-flush tank-type toilets and toilets designed and marketed exclusively for use in prisons and mental health care facilities, shall have a maximum flush volume of 1.28 gallons per flush; and
- (D) Dual-flush tank-type toilets shall have a maximum dual-flush effective flush volume of 1.28 gallons per flush. As used in this subparagraph, “dual-flush effective flush volume” means the average flush volume of two reduced flushes and one full flush; and

- (9) Water coolers included in the scope of the ENERGY STAR Program Requirements Product Specification for Water Coolers, Version 2.0, shall have an on mode with no water draw energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:
- (A) 0.16 kilowatt-hour per day for cold-only units and cook and cold units. As used in this subparagraph, “cold-only units” means water cooler units that dispense cold water only;
 - (B) 0.87 kilowatt-hour per day for storage-type hot and cold units. As used in this subparagraph: “Hot and cold units” means water coolers that dispense hot and cold water. “Storage-type” means water cooler units in which thermally conditioned water is stored in a tank in the water cooler and is available instantaneously, including point-of-use, dry storage compartment, and bottled water coolers; and
 - (C) 0.18 kilowatt-hour per day for on-demand hot and cold units. As used in this subparagraph: “Hot and cold units” means water coolers that dispense both hot and cold water. “On-demand” means a water cooler unit in which water is heated as it is requested, which typically takes a few minutes to deliver.

~~[(b) When adopting standards for appliances pursuant to section 196-84(a), the director shall set appliance efficiency standards upon a determination that increased efficiency standards would serve to promote energy or water conservation in the State and would be cost effective for consumers who purchase and use such new products.]”~~

SECTION 6. Section 196-86, Hawaii Revised Statutes, is amended to read as follows:

~~“[§196-86] Implementation.~~ (a) On or after January 1, 2021, no new computer or computer monitor, faucet, high color rendering index fluorescent lamp, showerhead, or spray sprinkler body ~~[may] shall~~ be sold or offered for sale, lease, or rent in the State unless the efficiency of the new product meets or exceeds the efficiency standards provided in section 196-85.

~~(b) On or after January 1, 2025, no new portable electric spa, residential ventilating fan, toilet, urinal, or water cooler that is manufactured on or after January 1, 2025, shall be sold or offered for sale, lease, or rent in the State unless the efficiency of the new product meets or exceeds the minimum efficiency standards provided in section 196-85.~~

~~[(b)] (c) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of [subsection] subsections (a)[, no such] and (b), these products [may] shall not be installed for compensation in the State unless the efficiency of the new product meets or exceeds the minimum efficiency standards provided in section 196-85.”~~

SECTION 7. Section 196-88, Hawaii Revised Statutes, is amended to read as follows:

~~“[§196-88] Testing, certification, and labeling.~~ Manufacturers shall test, certify, and label products meeting the minimum efficiency standards set forth in section 196-85 and may utilize testing, certification, and labeling programs of other states and federal agencies with similar standards, including the Home Ventilating Institute’s certified products directory certification program,

for purposes of compliance under this part. Products listed in California’s Modernized Appliance Efficiency Database System shall be deemed to be in compliance with this part.”

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

SECTION 9. This Act shall take effect on June 30, 2023.

(Approved July 5, 2023.)

ACT 225

H.B. NO. 192

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 there have been many advances in the energy efficiency of lighting. Fluorescent bulbs were promoted in the 1980s because they are up to thirty-five per cent more energy efficient than the incandescent light fixtures widely in use at that time; however, further advances have been made with light-emitting diodes (LEDs) that are now up to eighty per cent more energy efficient than fluorescent bulbs and can last three to five times longer than fluorescent bulbs and thirty times longer than incandescent bulbs.

The legislature further finds that all fluorescent bulbs contain mercury, a toxic pollutant that bioaccumulates in the environment, can pollute air and water, and causes harm to wildlife and human health. The legislature notes that mercury-free alternatives exist for most of the thousands of products that contain mercury components.

The legislature believes that LEDs are a better alternative because they do not contain any mercury, are more energy efficient, and are the cheaper life-cycle cost lighting option for consumers and businesses. Phasing out the sale of mercury-containing bulbs in Hawaii will prevent additional toxic pollutants from being brought into the State’s ecosystem, reduce energy use, and save consumer dollars.

Accordingly, the purpose of this Act is to prohibit the sale of certain fluorescent lamps in the State as a new manufactured product, with certain exemptions.

SECTION 2. Chapter 196, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . FLUORESCENT LAMPS

§196- Definitions. As used in this part, unless the context otherwise requires:

“Compact fluorescent lamp” means a compact low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes the following characteristics:

- (1) One base (end cap) of any type, including but not limited to screw, bayonet, two pins, and four pins;
- (2) Integrally ballasted or non-integrally ballasted;
- (3) Light emission between a correlated color temperature of one thousand seven hundred Kelvin and twenty-four thousand Kelvin and

a Duv of +0.024 and -0.024 in the International Commission on Illumination Uniform Color Space;

- (4) All tube diameters and all tube lengths; and
- (5) All lamp sizes and shapes for directional and nondirectional installations, including but not limited to plug-in, spiral, twin tube, triple twin, 2D, U-bend, and circular.

“Linear fluorescent lamp” means a low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

- (1) Two bases (end caps) of any type, including but not limited to single-pin, two-pin, and recessed double contact;
- (2) Light emission between a correlated color temperature of one thousand seven hundred Kelvin and twenty-four thousand Kelvin and a Duv of +0.024 and -0.024 in the International Commission on Illumination Uniform Color Space;
- (3) All tube diameters, including but not limited to T5, T8, T10, and T12;
- (4) All tube lengths from 0.5 to eight feet, inclusive; and
- (5) All lamp shapes, including but not limited to linear, U-bend, and circular.

§196- Fluorescent lamps; mercury-containing lighting; prohibited. It shall be unlawful to sell, offer for sale, or distribute for sale in the State as a new manufactured product:

- (1) Beginning January 1, 2025, a screw or bayonet base type compact fluorescent lamp; and
- (2) Beginning January 1, 2026, a pin-base type compact fluorescent lamp or linear fluorescent lamp.

§196- Exemptions. This part shall not apply to a lamp:

- (1) Used for image capture and projection, including photocopying; printing, directly or in preprocessing; lithography; film and video projection; and holography;
- (2) That has a high proportion of ultraviolet light emission and is one of the following:
 - (A) A lamp with high ultraviolet content that has ultraviolet power greater than two milliwatts per kilolumen;
 - (B) A lamp for germicidal use, such as the destruction of DNA, that emits a peak radiation of approximately 253.7 nanometers;
 - (C) A lamp used for disinfection or fly trapping from which either the radiation power emitted between two hundred fifty and three hundred fifteen nanometers represents at least five per cent of, or the radiation power emitted between three hundred fifteen and four hundred nanometers represents at least twenty per cent of, the total radiation power emitted between two hundred fifty and eight hundred nanometers;
 - (D) A lamp used for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers;
 - (E) A lamp used for coral zooxanthellae symbiosis from which the radiation power emitted between four hundred and four hundred eighty nanometers represents at least forty per cent of the total radiation power emitted between two hundred fifty and eight hundred nanometers; or

- (F) Any lamp used in a sunlamp product. For the purposes of this subparagraph, “sunlamp product” has the same meaning as defined in title 21 Code of Federal Regulations section 1040.20(b)(9);
- (3) Used for medical or veterinary diagnosis or treatment or used in a medical device;
 - (4) Used in pharmaceutical product manufacturing or quality control;
 - (5) Used for spectroscopy and photometric applications, such as ultraviolet-visible spectroscopy, molecular spectroscopy, atomic absorption spectroscopy, nondispersive infrared, Fourier transform infrared, medical analysis, ellipsometry, layer thickness measurement, process monitoring, or environmental monitoring;
 - (6) Used by academic and research institutions exclusively for conducting research projects and experiments; or
 - (7) Used to replace a lamp in previously manufactured motor vehicles.”

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

(Approved July 5, 2023.)

ACT 226

S.B. NO. 1024

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 transportation accounts for the majority of Hawaii’s greenhouse gas emissions. However, Hawaii is ideally suited to serve as a unique incubator for innovative new technologies and services that will help countries around the world achieve zero-emissions transportation.

The legislature further finds that Hawaii is an island chain having a population density sufficient to support the electrification of ground transportation. Hawaii does not face the same issues of range anxiety found in larger jurisdictions. Hawaii can achieve electric charging saturation much more easily than larger or more sparsely populated jurisdictions. Hawaii is on track to achieve one hundred per cent clean electricity, which will make it possible to charge a truly clean transportation fleet. Further, Hawaii has excellent year-round weather, making it possible to significantly reduce the need for fossil fuel transportation year-round by enabling pedestrian, bicycle, and other mobility for large portions of the population, as has already been achieved successfully in many other nations.

The legislature further finds that Hawaii is also ideally suited to serve as an incubator for short-range sea and air travel between the islands. Electric ferries of significant commercial scale already operate in coastal areas of Europe, and commercial electric aircraft are now entering markets in regions around the world. As vehicles scale up in size and range, Hawaii is a unique regional market of significant population and travel density in which to deploy new technologies and services.

Accordingly, the purpose of this Act is to:

- (1) Establish long-term goals for zero-emissions transportation in Hawaii and take steps to achieve the reduction and elimination of transportation emissions;

- (2) Provide a commitment and support from the State to emerging companies looking to demonstrate and pioneer new technologies and services in the years to come; and
- (3) Establish working groups of government agencies and expert stakeholders to develop plans and recommendations and take steps to help achieve zero-emissions transportation.

SECTION 2. Chapter 225P, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§225P- Zero emissions transportation. (a) It shall be the goal of the State to reduce greenhouse gas emissions and achieve zero emissions across all transportation modes within the State, including across all sectors of:

- (1) Ground Transportation; and
- (2) Sea and air interisland transportation.

(b) Each department, board, and commission shall incorporate these goals into the department, board, or commission’s plans and take any actions necessary to achieve the goals established in this section.

(c) The department of transportation, office of planning and sustainable development, and Hawaii state energy office shall:

- (1) Develop plans in coordination with the clean ground transportation working group and interisland clean transportation working group to ensure that the State’s electric charging capacity is sufficient to support the growing use of electric modes of transportation by providing for an increase of the State’s electric charging capacity at a rate that exceeds:
 - (A) The rate by which electric vehicle sales are projected to replace internal combustion vehicle sales; and
 - (B) The rate by which other electric transportation options are projected to require charging capacity;
- (2) Allow continued access to high-occupancy vehicle lanes by electric vehicles until electric vehicles constitute at least forty per cent of all new vehicle sales; and
- (3) Develop and implement other options to accelerate the transition to zero-emissions transportation.

(d) The department of transportation and Hawaii state energy office may adopt rules pursuant to chapter 91 to effectuate this section.”

SECTION 3. (a) There is established a clean ground transportation working group within the department of transportation for administrative purposes.

(b) The working group shall:

- (1) Develop metrics, benchmarks, plans, and recommendations for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes;
- (2) Coordinate with other groups, agencies, and programs within and outside of the State that are working to achieve zero-emissions transportation;
- (3) Coordinate with the State and applicable stakeholders to pursue grants and other funding opportunities for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes;
- (4) Consider reducing vehicle miles travelled and demand management; and

- (5) Consider equity concerns, including economic and accessibility impacts to low-income communities.
- (c) The working group shall comprise the following:
 - (1) The director of transportation, or the director's designee, who shall serve as co-chairperson of the working group;
 - (2) The chief energy officer of the Hawaii state energy office, or the chief energy officer's designee, who shall serve as co-chairperson of the working group;
 - (3) The director of the office of planning and sustainable development, or the director's designee;
 - (4) The co-chairpersons of the commission, or the co-chairpersons' designees;
 - (5) The chairpersons of the senate and house of representatives standing committees having primary jurisdiction over transportation, or their designees;
 - (6) The mayor of each county, or their designees, who shall be invited by the working group to participate; and
 - (7) Other relevant stakeholders as recommended by the working group.
- (d) The working group shall:
 - (1) Submit annual interim reports to the commission of the working group's activities performed, progress made, and recommendations for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes, twenty days prior to the convening of each regular session from 2024 to 2034; and
 - (2) Submit a final report on the progress made and recommendations for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2035.
- (e) The working group shall cease to exist on January 1, 2035.

SECTION 4. (a) There is established an interisland clean transportation working group within the department of transportation for administrative purposes.

- (b) The working group shall:
 - (1) Develop metrics, benchmarks, plans, and recommendations for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes;
 - (2) Coordinate with other groups, agencies, and programs within and outside of the State that are working to achieve zero-emissions interisland transportation;
 - (3) Coordinate with other groups, agencies, and programs within and outside of the State that are developing interim solutions to achieve long-haul zero-emissions transportation, which may include lower-carbon sustainable aviation fuels, hydrogen-based fuel, or other potential options;
 - (4) Coordinate with stakeholders to identify not less than fifteen possible transportation hubs throughout the State with at least two in each county to support innovative point-to-point or island-to-island transportation options, including options such as electric vertical takeoff and landing aircraft, electric sea gliders, and other similar forms of innovative zero-emissions technology;
 - (5) Develop recommendations for a coordinated package of environmental review, infrastructure planning, and other due diligence for

- fifteen sites throughout the State that shall enable innovative transportation operators to more easily deploy innovative options for zero-emissions transportation;
- (6) Coordinate with the State and applicable stakeholders to pursue grants and other funding opportunities for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes;
 - (7) Consider reducing vehicle miles travelled and demand management; and
 - (8) Consider equity concerns, including economic and accessibility impacts to low-income communities.
- (c) The working group shall comprise the following:
- (1) The director of transportation, or the director’s designee, who shall serve as co-chairperson of the working group;
 - (2) The chief energy officer of the Hawaii state energy office, or the chief energy officer’s designee, who shall serve as co-chairperson of the working group;
 - (3) The director of the office of planning and sustainable development, or the director’s designee;
 - (4) The co-chairpersons of the commission, or the co-chairpersons’ designees;
 - (5) The chairpersons of the senate and house of representatives standing committees having primary jurisdiction over transportation, or the chairpersons’ designees;
 - (6) The mayor of each county, or the mayor’s designees, who shall be invited by the working group to participate; and
 - (7) Other relevant stakeholders, as recommended by the working group.
- (d) The working group shall:
- (1) Submit annual interim reports to the commission of the working group’s activities performed, progress made, and recommendations for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes, twenty days prior to the convening of each regular session from 2024 to 2034; and
 - (2) Submit a final report of the progress made and recommendations for the State to achieve the goals set forth in sections 225P-5 and 225P- (a), Hawaii Revised Statutes, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2035.
- (e) The working group shall cease to exist on January 1, 2035.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 5, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 227

S.B. NO. 67

A Bill for an Act Relating to Commercial Activities on Beaches.

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

SECTION 1. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§200- Prohibited commercial activities on certain beaches; administrative fine. (a) No commercial vendor shall preset commercial beach equipment on any beach under the jurisdiction of the department unless the customer is physically present for the immediate use of the commercial beach equipment. The commercial vendor shall expeditiously remove the commercial beach equipment after the customer has finished using it.

(b) The department may authorize exemptions to subsection (a) through rules adopted pursuant to chapter 91.

(c) Any commercial vendor who violates subsection (a) shall be subject to an administrative fine of:

- (1) \$5,000 for a first offense;
 - (2) \$10,000 for a second offense; and
 - (3) \$15,000 for a third or subsequent offense.
- (d) This section shall apply to beaches:
- (1) Under the jurisdiction of the department, including private beaches in which the State has an easement or other property interest; and
 - (2) Within a county with a population of more than:
 - (A) Nine hundred thousand; or
 - (B) One hundred thousand but fewer than one hundred eighty thousand.

This section shall not apply to private beaches in which the State has no property interest.

(e) As used in this section:

“Commercial beach equipment” means recreational equipment for rent, including chairs, umbrellas, surfboards, paddleboards, kayaks, and other non-motorized watercraft equipment.

“Preset” means to set up or have physically ready for use commercial beach equipment by a commercial vendor.”

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 July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Trespass.

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

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§708- Enforcement of trespass laws on public land. When trespass involves public land, any state or county law enforcement officer may enforce the trespass laws of this part without regard to whether the land is owned by the State or by a county; provided that nothing in this section shall be construed to alter the existing responsibility of law enforcement officers to enforce, as applicable, the laws of the State, or to alter the respective jurisdictional boundaries observed by state and county law enforcement officers. Nothing contained in this section shall diminish, alter, or amend any existing rights, privileges, or practices of the Native Hawaiian people; nor shall the obligations of the State to the Native Hawaiian people be absolved.”

SECTION 2. New statutory material is underscored.¹

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

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Special Management Areas.

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

SECTION 1. The legislature finds that targeted amendments to the definition of “development” as it relates to special management areas will promote, not undercut, the environmental controls and quality that special management area regulations are intended to protect. Under existing law, the broad definition of “development” coupled with rising labor and materials costs can trigger a mandatory special management area use permit review for improvements, facilities, and incidental structures that may not warrant such intense scrutiny and the associated costs and delays that go along with it.

The legislature further finds that exclusions from the special management area definition of “development” are desirable for activities such as the following:

- (1) Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities to reduce reliance on vehicles;
- (2) Trash removal, invasive vegetation removal or control, and fencing for invasive species control or preservation of native habitats to improve the quality of the environment;
- (3) Installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to comply with standards at public facilities,

- including health and safety standards, to protect native seabird populations and reduce light pollution; and
- (4) Installation, maintenance, repair, and replacement of security measures for existing public facilities.

The purpose of this Act is to expand exclusions to the definition of “development” in chapter 205A, Hawaii Revised Statutes, to reduce the need for special management area permits for certain activities.

SECTION 2. Section 205A-22, Hawaii Revised Statutes, is amended by amending the definition of “development” to read as follows:

““Development” [means]:

- (1) Means any of the uses, activities, or operations on land or in or under water within a special management area that are included below:
- [~~(1)~~] (A) Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;
- [~~(2)~~] (B) Grading, removing, dredging, mining, or extraction of any materials;
- [~~(3)~~] (C) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
- [~~(4)~~] (D) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
- [~~(5)~~] (E) Construction, reconstruction, or alteration of the size of any structure[;]; and

[“Development” does] (2) Does not include the following:

- [~~(1)~~] (A) Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area[;]; is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion[;]; and is not part of a larger development;
- [~~(2)~~] (B) Repair or maintenance of roads and highways within existing rights-of-way;
- [~~(3)~~] (C) Routine maintenance dredging of existing streams, channels, and drainage ways;
- [~~(4)~~] (D) Repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;
- [~~(5)~~] (E) Zoning variances, except for height, density, parking, and shoreline setback;
- [~~(6)~~] (F) Repair, maintenance, or interior alterations to existing structures;
- [~~(7)~~] (G) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;
- [~~(8)~~] (H) Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes[;], including all traditional fishpond and traditional agricultural practices;
- [~~(9)~~] (I) Transfer of title to land;
- [~~(10)~~] (J) Creation or termination of easements, covenants, or other rights in structures or land;

- [~~(11)~~] (K) Subdivision of land into lots greater than twenty acres in size;
- [~~(12)~~] (L) Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any land that is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;
- [~~(13)~~] (M) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
- [~~(14)~~] (N) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible;
- [~~(15)~~] (O) Nonstructural improvements to existing commercial or noncommercial structures; ~~and~~
- [~~(16)~~] (P) Construction, installation, maintenance, repair, and replacement of emergency management warning or signal devices and sirens;
- (Q) Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities, including sidewalks, paths, bikeways, crosswalks, stairs, ramps, traffic control barriers, signs, signals, and associated improvements;
- (R) Trash removal or invasive vegetation removal or control, including incidental ground disturbance, excluding the use of herbicides;
- (S) Installation of fencing, including associated improvements and incidental structures, for invasive species control or preservation of native habitats on conservation land;
- (T) Installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to establish compliance with current standards at existing public facilities;
- (U) Installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities; and
- (V) Hawaiian traditional and customary practices, including work conducted by traditional means near, in, or related to loko i'a, traditional Hawaiian fishponds;

provided that whenever the authority finds that any excluded use, activity, or operation may have a cumulative impact, or a significant environmental or ecological effect on a special management area, that use, activity, or operation shall be defined as “development” for the purpose of this part.”

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 July 6, 2023.)

ACT 230

H.B. NO. 819

A Bill for an Act Relating to Limu Kala.

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

SECTION 1. The legislature finds that limu holds ecological and cultural significance to the State. Four endemic species of limu kala grow in Hawaii waters: *S. echinocarpum*, *S. hawaiiensis*, *S. obtusifolium*, and *S. polyphyllum*. Limu kala grows in the nearshore ecosystem and is abundant seasonally in many intertidal and subtidal habitats, including tidepools and reef flats in areas with moderate to high wave action.

The legislature further finds that limu is a critically important component of a healthy and productive reef ecosystem. Limu is a primary producer and the base of the nearshore marine food chain. Herbivorous fish rely on limu to survive and due to a steep decline of limu throughout Hawaii, there has been a correlating decline in fish abundance. Limu kala is used as a traditional bait for reef fish, including species of kala fish, also known as unicornfish, and lack of limu knowledge and limu awareness hinders any work or effort to increase the nearshore fish population. Limu, especially limu kala, is also an important habitat for many marine creatures and is a key indicator of the health and resilience of the ahupuaa.

The legislature additionally finds that limu is an important food source; is rich in vitamins, minerals, and fiber; and has many uses for traditional medicine. Limu kala is used to treat minor cuts and scratches, and has many uses for Native Hawaiian cultural ceremonies. Limu kala, specifically, is used in the conflict resolution process of ho‘oponopono and in the protection of ocean voyagers. While much of the limu-based cultural knowledge has been lost over many generations, the recapture, retention, and sharing of limu cultural knowledge will benefit the nearshore fishery and all people of Hawaii for future generations.

Accordingly, the purpose of this Act is to designate the limu kala as the official limu of the State.

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 limu. Limu kala (*Sargassum echinocarpum*), the Hawaiian word for the water plant endemic to Hawaii, is adopted, established, and designated as the official limu of the State.”

SECTION 3. New statutory material is underscored.¹

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

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Real Property Disclosures Within Shoreline Areas.

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

SECTION 1. As reflected in Act 32, Session Laws of Hawaii 2017 (Act 32), the legislature recognizes that not only is climate change real, but it is also the overriding challenge of the twenty-first century and one of the priority issues of the legislature. Climate change poses immediate and long-term threats to the State's economy, sustainability, security, and residents' way of life.

The legislature recognized the existential threat of sea level rise to real property and amended section 508D-15, Hawaii Revised Statutes, to require mandatory seller disclosures in real property transactions to indicate that a parcel of residential real property lies within the sea level rise exposure area. Research published by the Intergovernmental Panel on Climate Change and the National Aeronautics and Space Administration shows that sea levels in Hawaii will continue to rise, but sea level rise has no detectable effect on valuations or sales data on real property. The lack of a sea level rise discount indicates that purchasers may be underprepared for the future challenges and implications of sea level rise and the ancillary effects of coastal erosion, future flooding, inundation, and storm surges.

The purpose of this Act is to further strengthen purchaser protections by requiring the disclosure of all permitted and unpermitted erosion control structures on the parcel in real estate transactions when residential real property lies adjacent to the shoreline.

SECTION 2. Section 508D-15, Hawaii Revised Statutes, is amended to read as follows:

“§508D-15 Notification required; ambiguity. (a) When residential real property lies~~[-]~~ within:

- (1) ~~[Within the]~~ The boundaries of a special flood hazard area as officially designated on flood maps promulgated by the National Flood Insurance Program of the Federal Emergency Management Agency for the purposes of determining eligibility for emergency flood insurance programs;
- (2) ~~[Within the]~~ The boundaries of the noise exposure area shown on maps prepared by the department of transportation in accordance with Federal Aviation Regulation part 150, Airport Noise Compatibility Planning (14 C.F.R. part 150), for any public airport;
- (3) ~~[Within the]~~ The boundaries of the Air Installation Compatible Use Zone of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities;
- (4) ~~[Within the]~~ The anticipated inundation areas designated on the department of defense's emergency management tsunami inundation maps; or
- (5) ~~[Within the]~~ The sea level rise exposure area as designated by the Hawaii climate change mitigation and adaptation commission or its successor,

subject to the availability of maps that designate the five areas by tax map key (zone, section, parcel), the seller shall include the material fact information in the disclosure statement provided to the buyer subject to this chapter. Each county shall provide, where available, maps of its jurisdiction detailing the five designated areas specified in this subsection. The maps shall identify the properties

situated within the five designated areas by tax map key number (zone, section, parcel) and shall be of a size sufficient to provide information necessary to serve the purposes of this section. Each county shall provide legible copies of the maps and may charge a reasonable copying fee.

(b) When residential real property lies adjacent to the shoreline, the seller shall disclose all permitted and unpermitted erosion control structures on the parcel, expiration dates of any permitted structures, any notices of alleged violation associated with the parcel, and any fines for expired permits or unpermitted structures associated with the parcel.

~~(b)~~ (c) When it is questionable whether residential real property lies within any of the designated areas referred to in subsection (a) due to the inherent ambiguity of boundary lines drawn on maps of large scale, the ambiguity shall be construed in favor of the seller; provided that a good faith effort has been made to determine the applicability of subsection (a) to the subject real property.

~~(e)~~ (d) Except as required under subsections (a) ~~and~~, (b), and (c) and ~~as required under~~ section 508D-3.5, the seller shall have no duty to examine any public record when preparing a disclosure statement.”

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 November 1, 2023.

(Approved July 6, 2023.)

ACT 232

H.B. NO. 1134

A Bill for an Act Relating to Kaneohe Bay.

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

SECTION 1. The legislature finds that Kaneohe Bay, including Ahu o Laka, also known as the sandbar, has a rich cultural history that blends into the understanding of present-day significance and is a sacred wahi pana to the Native Hawaiian lineal and generational inhabitants of Koolaupoko, which includes Waimanalo, Kailua, Kaneohe, Heeia, Kahaluu, Waihee, Kaalaea, Waiahole, Waikane, Hakipuu, and Kualoa. Over the years, over-commercialization of Kaneohe Bay, including Ahu o Laka, has been unnaturally encouraged via social media and through unpermitted tour operators who advertise and operate without regard for laws, rules, regulations, and cultural awareness. Kaneohe Bay and attractions in the bay such as Ahu o Laka are advertised as “must see” tourist stops without the mention of cultural awareness or significance, and non-permitted commercial operators set up advertisements and online payment schemes and bring guests, circumventing principles and intentions of the original 1992 Kaneohe Bay master plan. This problem is exacerbated because state entities responsible for protecting resources do not work on weekends or holidays, which encourages noncompliance with laws, rules, and regulations. Furthermore, unauthorized advertising on social media and online has led to

increased private and rental vehicles parking illegally at Heeia boat harbor and along both sides of Kamehameha highway, causing unsafe traffic conditions.

The legislature further finds that the Kaneohe Bay master plan was developed pursuant to Act 208, Session Laws of Hawaii 1990, which established a framework for the sustainable management of the bay's natural resources while accommodating a variety of uses. A compromise of competing interests resulted in a cap on the number of commercial enterprises and volume of permitted commercial activity. The vision continues to be the preservation and protection of the bay's natural resources for the continued enjoyment of all.

The legislature also finds that limits on commercial activity have been exceeded by other activities not previously envisioned and by new technologies that support their proliferation. Examples include the pre-positioning of rental kayaks at Heeia state park and Heeia Kea pier; internet advertisements for boats, kayaks, and other commercial recreational uses; and the ability of customers to pay online and through mobile money transfer platforms such as Venmo.

Accordingly, the purpose of this Act is to update the law regarding restricted activities in Kaneohe Bay.

SECTION 2. Section 200-24, Hawaii Revised Statutes, is amended to read as follows:

“[§200-24] Rules. The department shall adopt rules pursuant to chapter 91 to implement the policy and purpose of this part, and to classify vessels into appropriate categories and classes.

The department shall adopt rules pursuant to chapter 91 with respect to the following:

- (1) The registration and numbering of vessels;
- (2) The operation, use, and equipment of vessels on or in the waters of the State;
- (3) The conduct of persons involved in boating accidents and in the reporting of accidents and other casualties and losses to the department; ~~and~~
- (4) The designation of areas of the waters of the State and time periods during which thrill craft may be operated, and waters on or above which, and time periods during which, persons may engage in parasailing, commercial high speed boating, and water sledding; provided that in designating the areas, the department shall use the official recommendation of the National Marine Fisheries Service with regard to the protection of protected marine life and habitats in adopting rules to implement this section, except as otherwise provided by law~~[-]; and~~
- (5) Procedures for a law enforcement officer to issue subpoenas or take custody of property pursuant to section 200-39(g).”

SECTION 3. Section 200-39, Hawaii Revised Statutes, is amended to read as follows:

“§200-39 Kaneohe Bay commercial ocean use activities; permits; restrictions. ~~[(a) For the purposes of this section, “ocean use activities” means commercial operation of thrill craft, high speed boating, parasailing, water sledding, sailing and snorkeling tours, glassbottom boat tours, or any other similar commercial ocean recreation activity for hire.~~

~~[(b)]~~ (a) Any other provision of this chapter to the contrary notwithstanding, no person shall operate thrill craft, parasailing, water sledding, or commercial high speed boating unless the person meets the requirements of

section 200-37 and all rules adopted by the department that regulate or restrict these activities.

(b) No person shall conduct any commercial ocean use activity within Kaneohe Bay waters without a permit issued by the department.

(c) No person shall advertise or otherwise offer any commercial ocean use activity or equipment for such activity within Kaneohe Bay waters for which the person does not have a permit from the department. Advertisement in print; by word of mouth; or online in any form, including through social media, of unpermitted commercial ocean use activities or commercial ocean recreational equipment shall be prima facie evidence that:

- (1) The owner of the advertised commercial ocean use activity or commercial ocean recreational equipment disseminated or directed the dissemination of the advertisement in that form and manner; and
- (2) The commercial ocean use activity or commercial ocean recreational equipment is being operated at the location advertised.

The burden of proof shall be on a person charged with a violation of this section to establish that the equipment is not being used for unpermitted commercial ocean use activity or that the person's conduct is pursuant to a permit, lease, or license issued by the department.

~~[(e)]~~ (d) Permits issued by the department for ~~[the]~~ commercial ~~[oper-~~ation ~~of]~~ ocean use activities in Kaneohe Bay shall be limited to the number and locations, by permit type and vessel and passenger capacity, provided in the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990, until applicable rules consistent with the master plan are adopted by the department; provided that the passenger capacity for snorkeling tours and glassbottom boat tours shall be set through rules adopted pursuant to chapter 91. No thrill craft permit may be transferred after June 21, 1998; provided that transfers of permits may be made at any time between family members.

~~[(d)]~~ (e) On Sundays and federal holidays, all commercial ocean use activities shall be prohibited.

~~[(e)]~~ (f) All rules adopted by the department with regard to Kaneohe Bay shall be drafted in consultation with the Kaneohe Bay regional council. For those provisions of the Kaneohe Bay master plan previously adopted by the legislature, the rules adopted by the department shall be in accordance with those provisions. Notwithstanding subsection ~~[(e)]~~ (d) to the contrary, if the department determines for safety or environmental protection reasons that a permitted use should be relocated, the department may relocate the permitted use and the department shall have discretion to permit vessel substitution with a similar length vessel; provided that the increase is ~~[not]~~ no greater than ten percent of the current vessel length.

For those provisions of the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990, not previously adopted by the legislature, the master plan shall be used as the recommended guideline in the adoption and implementation of rules with regard to the regulation of all activities in Kaneohe Bay.

(g) Citations for violations of this section or any rules of the department adopted pursuant to this section may be issued by any law enforcement officer. In enforcing this section, any law enforcement officer shall have the power to issue subpoenas and take legal custody of any personal property that is the subject of or related to any violation of this section or rules established by the department pursuant to this section.

(h) Property confiscated pursuant to this section may be released only upon approval by the board or a court of competent jurisdiction. Storage of confiscated property shall be at the sole risk and expense to the owner. The

department may charge reasonable storage fees to the owner for storage of any property confiscated pursuant to this section.

(i) Any property confiscated pursuant to this section that remains unclaimed for more than ten working days after it has been released pursuant to subsection (h) may be sold at public auction. If the department does not, or is unable to, sell the property at public auction, the department, after giving public notice of intended disposition, if that notice was not previously included in a public auction notice, may sell the property by negotiation, retain and use the property, donate the property to any other government agency, or dispose of the property as junk.

(j) Any penalties established in rule pursuant to this section shall be separate and in addition to any other fees, charges, and fines imposed by the department.

(k) As used in this section:

“Commercial ocean recreational equipment” means thrill craft; watercraft for high-speed boating, parasailing, water sledding, sailing, snorkeling, diving tours, fishing tours, or glassbottom boat tours; kayaks; canoes; any manner of surfboards, sailboards, paddleboards, or related watercraft; or watercraft for any other similar commercial ocean activity.

“Commercial ocean use activity” means and includes:

- (1) Any commercial operation of commercial ocean recreational equipment, or any other similar commercial ocean activity;
- (2) Providing any commercial ocean recreational equipment for rent or hire; or
- (3) Delivering for hire or pre-positioning within one thousand feet of any shoreline of Kaneohe Bay for hire, any commercial ocean recreational equipment.

“Commercial ocean use activity” shall not include commercial fishing, commercial ocean activity authorized by a permit issued by the department, or activity authorized by an existing lease or license issued by the department.”

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, 2023.

(Approved July 6, 2023.)

ACT 233

H.B. NO. 1079

A Bill for an Act Relating to Water Pollution Control.

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

SECTION 1. The purpose of this Act is to amend sections in chapter 342D, Hawaii Revised Statutes, to:

- (1) Conform with federal definitions and civil penalty amounts pursuant to the Clean Water Act;
- (2) Consolidate separate water quality certification statutes into one section for clarity;
- (3) Clarify the authority of the department of health to conduct water quality certifications; and
- (4) Revise civil penalty amounts to ensure consistency within the department.

SECTION 2. Section 342D-1, Hawaii Revised Statutes, is amended as follows:

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

“Act” means the Clean Water Act (formally referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended (33 U.S.C. 1251 et seq).

“Navigable waters” means the waters of the United States, including the territorial seas.

“Territorial seas” means the belt of the seas measured from the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

“Water quality certification” or “certification” means a statement that asserts that a proposed discharge resulting from any activity, including but not limited to the construction or operation of facilities, will not violate applicable water quality standards; water quality related state laws; or water quality related provisions in sections 301, 302, 303, 306, and 307 of the Act.

“Water quality standards” means provisions of state law that provide for a designated use or designated uses for state waters and water quality criteria for the waters based upon these uses. Water quality standards are to protect the public health or welfare, enhance the quality of water, and serve the purposes of the Act.”

2. By amending the definition of “state waters” to read:

“State waters” means all waters, fresh, brackish, or salt, around and within the State, including[?] but not limited to[?] coastal waters, wetlands, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground waters, and lakes; provided that drainage ditches, ponds, and reservoirs required as a part of a water pollution control system are excluded.”

SECTION 3. Section 342D-6, Hawaii Revised Statutes, is amended to read as follows:

“§342D-6 Permits; procedures for. (a) An application for any permit required under this chapter shall be in a form prescribed by the director.

(b) The department may require that applications for permits shall be accompanied by plans, specifications, and any other information that it deems necessary to determine whether the proposed installation, alteration, or use will be in accord with applicable rules and standards.

(c) The director shall issue a permit for any term, not exceeding five years, if the director determines that it will be in the public interest; provided that the permit may be subject to any reasonable conditions that the director may prescribe. The director may include conditions in permits or may issue separate permits for management practices for domestic sewage, sewage sludge, and recycled water, regardless of whether the practices cause water pollution. The director, on application, shall renew a permit from time to time, for a term not exceeding five years, if the director determines that it will be in the public interest. The director shall not grant or deny an application for the issuance or renewal of a permit without affording the applicant and any person who commented on the proposed permit during the public comment period an opportunity for a hearing in accordance with chapter 91. A request for a hearing and any judicial review of the hearing shall not stay the effect of the issuance or renewal of a permit unless specifically ordered by the director or an environmental court.

(d) The director, on the director’s own motion or the application of any person, may modify, suspend, revoke, or revoke and reissue any water pollution

permit if, after affording the permittee an opportunity for a hearing in accordance with chapter 91, the director determines that:

- (1) There is a violation of any condition of the permit;
- (2) The permit was obtained by misrepresentation or there was failure to disclose fully all relevant facts;
- (3) There is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
- (4) It is in the public interest.

The public interest excludes any reason less stringent than the causes for permit modification, revocation, and termination, or revocation and reissuance identified in title 40 Code of Federal Regulations section 122.62 or 122.64.

(e) The director, on the director's own motion or the application of any person, may modify, suspend, revoke, or revoke and reissue any sludge permit after affording the permittee an opportunity for a hearing in accordance with chapter 91, and consistent with title 40 Code of Federal Regulations section 501.15(c)(2) and (3) and (d)(2).

(f) The director shall ensure that the public receives notice of each application for a permit to control water pollution. The director may hold a public hearing before ruling on an application for a permit to control water pollution if the director determines the public hearing to be in the public interest. In determining whether a public hearing would be in the public interest, the director shall be guided by title 40 Code of Federal Regulations section 124.12(a).

(g) In determining the public interest regarding permit issuance or renewal, the director shall consider the environmental impact of the proposed action, any adverse environmental effects that cannot be avoided should the action be implemented, the alternatives to the proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented, and any other factors that the director, by rule, may prescribe; provided that any determination of public interest shall promote the optimum balance between economic development and environmental quality.

(h) No applicant for a modification or renewal of a permit shall be held in violation of this chapter during the pendency of the applicant's application so long as the applicant acts consistently with the permit previously granted, the application and all plans, specifications, and other information submitted as part thereof.

~~[(i) The department shall not require a water quality certification pursuant to section 401 of the federal Clean Water Act under this chapter for any applicant of the small-scale beach restoration program that has received notice of authorization to proceed from the department of land and natural resources' office of conservation and coastal lands.]~~

SECTION 4. Section 342D-6.5, Hawaii Revised Statutes, is amended to read as follows:

“§342D-6.5 Hawaiian loko i'a. [(a)] The department shall process applications for permits and water quality certifications for the reconstruction, restoration, repair, or reuse of any loko i'a, or Hawaiian fishpond as defined in section 183B-1, before all other permits and certifications. The director shall render a decision on the completeness of any application for that permit or water quality certification within thirty days of receipt. Applications for loko i'a reconstruction, restoration, or repair that are incomplete shall be denied with-

out prejudice. The director shall render a decision on any complete application for a permit or water quality certification for any loko i'a within one hundred fifty days.

~~[(b) The department shall waive the requirement to obtain water quality certification under this chapter for any person that has received notice of authorization to proceed from the department of land and natural resources office of conservation and coastal lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of loko i'a.~~

~~(c) For purposes of this section:~~

~~“Water quality certification” means state certification pursuant to section 401 of the federal Clean Water Act.]”~~

SECTION 5. Section 342D-9, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) If the director determines that any person has violated or is violating this chapter, any rule adopted pursuant to this chapter, or any permit, water quality certification, or variance issued pursuant to this chapter, the director:

- (1) Shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the alleged violation and may contain an order specifying a reasonable time during which that person shall be required to take any measures that may be necessary to correct the violation and to give periodic progress reports; provided that if all attempts of service of process upon the alleged violator or violators are unsuccessful by personal ~~[delivery]~~ service and by certified~~[-registered, or express]~~ mail, notice may be given via a posting on a searchable government website and a sign conspicuously posted on the property, if appropriate;
- (2) May require that the alleged violator or violators appear before the director for a hearing at a time and place specified in the notice and answer the charges complained of; and
- (3) May impose penalties as provided in section 342D-31 by sending written notice, either by certified mail or by personal service, to the alleged violator or violators describing the violation.

(b) If the director determines that any person is continuing to violate this chapter, any rule adopted pursuant to this chapter, or any permit, water quality certification, or variance issued pursuant to this chapter after having been served notice of violation, the director:

- (1) Shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the alleged violation and shall contain an order requiring that person to submit a written schedule within thirty days specifying the measures to be taken and the time within which ~~[such]~~ the measures shall be taken to bring that person into compliance with this chapter, any rule adopted pursuant to this chapter, or any permit, water quality certification, or variance issued pursuant to this chapter;
- (2) Shall accept or modify the submitted schedule within thirty days of receipt of the schedule. Any schedule not acted upon after thirty days of receipt by the director shall be deemed accepted by the director;
- (3) Shall issue to the alleged violator or violators a cease and desist order against the activities that violate this chapter, any rule adopted pursuant to this chapter, or any permit, water quality certification, or variance issued pursuant to this chapter if that person does not submit a written schedule to the director within thirty days. This

order shall remain in effect until the director accepts the written schedule; and

- (4) May impose penalties as provided in section 342D-31 by sending a notice in writing, either by certified mail or by personal service, to the alleged violator or violators describing the violation.”

SECTION 6. Section 342D-30, Hawaii Revised Statutes, is amended to read as follows:

“**§342D-30 Civil penalties.** (a) Any person who violates this chapter, any rule, or any term or condition of a permit, water quality certification, or variance issued pursuant to this chapter shall be fined not more than [~~\$25,000~~] \$60,000 for each separate offense. Each day of each violation shall constitute a separate offense. Any action taken in environmental court to impose or collect the penalty provided for in this section shall be considered a civil action. In determining the amount of a civil penalty, the environmental court shall consider the seriousness of the violation or violations[;]; the economic benefit, if any, resulting from the violation[;]; any history of these violations[;]; any good-faith efforts to comply with the applicable requirements[;]; the economic impact of the penalty on the violator[;]; and any other matters that justice may require. It shall be presumed that the violator’s economic and financial conditions allow payment of the penalty, and the burden of proof of the contrary [is] shall be on the violator.

(b) Any person who denies, obstructs, or hampers the entrance or inspection by any duly authorized officer or employee of the department of any building, place, or vehicle that the officer or employee is authorized to enter and inspect shall be fined not more than [~~\$10,000~~] \$25,000 for each day of denial, obstruction, or hampering. Any action taken in environmental court to impose or collect the penalty provided for in this subsection shall be considered a civil action.”

SECTION 7. Section 342D-50, Hawaii Revised Statutes, is amended as follows:

- 1. By amending subsection (a) to read:

“(a) No person, including any public body, shall discharge any water pollutant into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit, water quality certification, or variance issued by the director.”

- 2. By amending subsection (d) to read:

“(d) No person, including any public body, shall violate any rule adopted pursuant to this chapter or any permit, water quality certification, or variance issued or modified pursuant to this chapter.”

SECTION 8. Section 342D-53, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342D-53]]~~ **Certifying agency[-] and water quality certification.**
 (a) Water quality certification shall be required pursuant to section 401 of the Act for any applicant for a federal license or permit to conduct any activity, including the construction or operation of facilities, that may cause any discharge into navigable waters.

(b) The director may act as a certifying agency[~~, as defined in 40 Code of Federal Regulations 121.1(e) (1985)].~~

(c) The director shall adopt and enforce rules, pursuant to chapter 91, to administer water quality certifications.

(d) The term of any water quality certification issued by the director shall not exceed five years.

(e) The director shall not require a person to apply for a water quality certification if the person:

- (1) Has received notice of authorization to proceed from the department of land and natural resources' office of conservation and coastal lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of loko i'a; or
- (2) Has received notice of authorization to proceed from the department of land and natural resources' office of conservation and coastal lands under the small-scale beach restoration program.

(f) As used in this section, "certifying agency" has the same meaning as "certifying authority" as defined in title 40 Code of Federal Regulations section 121.1(e)."

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.

(Approved July 6, 2023.)

ACT 234

H.B. NO. 1101

A Bill for an Act Relating to Stormwater Fees.

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

SECTION 1. Section 46-1.5, Hawaii Revised Statutes, is amended to read as follows:

“§46-1.5 General powers and limitation of the counties. Subject to general law, each county shall have the following powers and shall be subject to the following liabilities and limitations:

- (1) Each county shall have the power to frame and adopt a charter for its own self-government that shall establish the county executive, administrative, and legislative structure and organization, including but not limited to the method of appointment or election of officials, their duties, responsibilities, and compensation, and the terms of their office;
- (2) Each county shall have the power to provide for and regulate the marking and lighting of all buildings and other structures that may be obstructions or hazards to aerial navigation, so far as may be necessary or proper for the protection and safeguarding of life, health, and property;
- (3) Each county shall have the power to enforce all claims on behalf of the county and approve all lawful claims against the county, but shall be prohibited from entering into, granting, or making in any manner any contract, authorization, allowance payment, or liability contrary to the provisions of any county charter or general law;
- (4) Each county shall have the power to make contracts and to do all things necessary and proper to carry into execution all powers vested in the county or any county officer;
- (5) Each county shall have the power to:

- (A) Maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters;
 - (B) Remove from the channels, and from the shores and beaches, any debris that is likely to create an unsanitary condition or become a public nuisance; provided that, to the extent any of the foregoing work is a private responsibility, the responsibility may be enforced by the county in lieu of the work being done at public expense;
 - (C) Construct, acquire by gift, purchase, or by the exercise of eminent domain, reconstruct, improve, better, extend, and maintain projects or undertakings for the control of and protection against floods and flood waters, including the power to drain and rehabilitate lands already flooded;
 - (D) Enact zoning ordinances providing that lands deemed subject to seasonable, periodic, or occasional flooding shall not be used for residence or other purposes in a manner as to endanger the health or safety of the occupants thereof, as required by the Federal Flood Insurance Act of 1956 (chapter 1025, Public Law 1016); and
 - (E) Establish and charge user fees to create and maintain any stormwater management system or infrastructure; provided that no county shall charge against or collect user fees from the department of transportation in excess of \$1,500,000 in the aggregate per year; provided further that no services shall be denied to the department of transportation by reason of nonpayment of the fees;
- (6) Each county shall have the power to exercise the power of condemnation by eminent domain when it is in the public interest to do so;
 - (7) Each county shall have the power to exercise regulatory powers over business activity as are assigned to them by chapter 445 or other general law;
 - (8) Each county shall have the power to fix the fees and charges for all official services not otherwise provided for;
 - (9) Each county shall have the power to provide by ordinance assessments for the improvement or maintenance of districts within the county;
 - (10) Except as otherwise provided, no county shall have the power to give or loan credit to, or in aid of, any person or corporation, directly or indirectly, except for a public purpose;
 - (11) Where not within the jurisdiction of the public utilities commission, each county shall have the power to regulate by ordinance the operation of motor vehicle common carriers transporting passengers within the county and adopt and amend rules the county deems necessary for the public convenience and necessity;
 - (12) Each county shall have the power to enact and enforce ordinances necessary to prevent or summarily remove public nuisances and to compel the clearing or removal of any public nuisance, refuse, and uncultivated undergrowth from streets, sidewalks, public places, and unoccupied lots. In connection with these powers, each county may impose and enforce liens upon the property for the cost to the county of removing and completing the necessary work where the property owners fail, after reasonable notice, to comply with the ordinances. The authority provided by this paragraph shall not be

- self-executing, but shall become fully effective within a county only upon the enactment or adoption by the county of appropriate and particular laws, ordinances, or rules defining “public nuisances” with respect to each county’s respective circumstances. The counties shall provide the property owner with the opportunity to contest the summary action and to recover the owner’s property;
- (13) Each county shall have the power to enact ordinances deemed necessary to protect health, life, and property, and to preserve the order and security of the county and its inhabitants on any subject or matter not inconsistent with, or tending to defeat, the intent of any state statute where the statute does not disclose an express or implied intent that the statute shall be exclusive or uniform throughout the State;
- (14) Each county shall have the power to:
- (A) Make and enforce within the limits of the county all necessary ordinances covering all:
 - (i) Local police matters;
 - (ii) Matters of sanitation;
 - (iii) Matters of inspection of buildings;
 - (iv) Matters of condemnation of unsafe structures, plumbing, sewers, dairies, milk, fish, and morgues; and
 - (v) Matters of the collection and disposition of rubbish and garbage;
 - (B) Provide exemptions for homeless facilities and any other program for the homeless authorized by part XVII of chapter 346, for all matters under this paragraph;
 - (C) Appoint county physicians and sanitary and other inspectors as necessary to carry into effect ordinances made under this paragraph, who shall have the same power as given by law to agents of the department of health, subject only to limitations placed on them by the terms and conditions of their appointments; and
 - (D) Fix a penalty for the violation of any ordinance, which penalty may be a misdemeanor, petty misdemeanor, or violation as defined by general law;
- (15) Each county shall have the power to provide public pounds; to regulate the impounding of stray animals and fowl, and their disposition; and to provide for the appointment, powers, duties, and fees of animal control officers;
- (16) Each county shall have the power to purchase and otherwise acquire, lease, and hold real and personal property within the defined boundaries of the county and to dispose of the real and personal property as the interests of the inhabitants of the county may require, except that:
- (A) Any property held for school purposes may not be disposed of without the consent of the superintendent of education;
 - (B) No property bordering the ocean shall be sold or otherwise disposed of; and
 - (C) All proceeds from the sale of park lands shall be expended only for the acquisition of property for park or recreational purposes;
- (17) Each county shall have the power to provide by charter for the prosecution of all offenses and to prosecute for offenses against the laws of the State under the authority of the attorney general of the State;

- (18) Each county shall have the power to make appropriations in amounts deemed appropriate from any moneys in the treasury, for the purpose of:
 - (A) Community promotion and public celebrations;
 - (B) The entertainment of distinguished persons as may from time to time visit the county;
 - (C) The entertainment of other distinguished persons, as well as, public officials when deemed to be in the best interest of the community; and
 - (D) The rendering of civic tribute to individuals who, by virtue of their accomplishments and community service, merit civic commendations, recognition, or remembrance;
- (19) Each county shall have the power to:
 - (A) Construct, purchase, take on lease, lease, sublease, or in any other manner acquire, manage, maintain, or dispose of buildings for county purposes, sewers, sewer systems, pumping stations, waterworks, including reservoirs, wells, pipelines, and other conduits for distributing water to the public, lighting plants, and apparatus and appliances for lighting streets and public buildings, and manage, regulate, and control the same;
 - (B) Regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephone, and telecommunications service to the county;
 - (C) Acquire, regulate, and control any and all appliances for the sprinkling and cleaning of the streets and the public ways, and for flushing the sewers; and
 - (D) Open, close, construct, or maintain county highways or charge toll on county highways; provided that all revenues received from a toll charge shall be used for the construction or maintenance of county highways;
- (20) Each county shall have the power to regulate the renting, subletting, and rental conditions of property for places of abode by ordinance;
- (21) Unless otherwise provided by law, each county shall have the power to establish by ordinance the order of succession of county officials in the event of a military or civil disaster;
- (22) Each county shall have the power to sue and be sued in its corporate name;
- (23) Each county shall have the power to:
 - (A) Establish and maintain waterworks and sewer works;
 - (B) Implement a sewer monitoring program that includes the inspection of sewer laterals that connect to county sewers, when those laterals are located on public or private property, after providing a property owner not less than ten calendar days' written notice, to detect leaks from laterals, infiltration, and inflow, any other law to the contrary notwithstanding;
 - (C) Compel an owner of private property upon which is located any sewer lateral that connects to a county sewer to inspect that lateral for leaks, infiltration, and inflow and to perform repairs as necessary;
 - (D) Collect rates for water supplied to consumers and for the use of sewers;
 - (E) Install water meters whenever deemed expedient; provided that owners of premises having vested water rights under existing

- laws appurtenant to the premises shall not be charged for the installation or use of the water meters on the premises; ~~and~~
- (F) Take over from the State existing waterworks systems, including water rights, pipelines, and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop, and improve the same; and
- (G) For purposes of subparagraphs (B) and (C):
- (i) "Infiltration" means groundwater, rainwater, and saltwater that enters the county sewer system through cracked, broken, or defective sewer laterals; and
 - (ii) "Inflow" means non-sewage entering the county sewer system via inappropriate or illegal connections;
- (24) (A) Each county may impose civil fines, in addition to criminal penalties, for any violation of county ordinances or rules after reasonable notice and requests to correct or cease the violation have been made upon the violator. Any administratively imposed civil fine shall not be collected until after an opportunity for a hearing under chapter 91. Any appeal shall be filed within thirty days from the date of the final written decision. These proceedings shall not be a prerequisite for any civil fine or injunctive relief ordered by the circuit court;
- (B) Each county by ordinance may provide for the addition of any unpaid civil fines, ordered by any court of competent jurisdiction, to any taxes, fees, or charges, with the exception of fees or charges for water for residential use and sewer charges, collected by the county. Each county by ordinance may also provide for the addition of any unpaid administratively imposed civil fines, which remain due after all judicial review rights under section 91-14 are exhausted, to any taxes, fees, or charges, with the exception of water for residential use and sewer charges, collected by the county. The ordinance shall specify the administrative procedures for the addition of the unpaid civil fines to the eligible taxes, fees, or charges and may require hearings or other proceedings. After addition of the unpaid civil fines to the taxes, fees, or charges, the unpaid civil fines shall not become a part of any taxes, fees, or charges. The county by ordinance may condition the issuance or renewal of a license, approval, or permit for which a fee or charge is assessed, except for water for residential use and sewer charges, on payment of the unpaid civil fines. Upon recordation of a notice of unpaid civil fines in the bureau of conveyances, the amount of the civil fines, including any increase in the amount of the fine which the county may assess, shall constitute a lien upon all real property or rights to real property belonging to any person liable for the unpaid civil fines. The lien in favor of the county shall be subordinate to any lien in favor of any person recorded or registered prior to the recordation of the notice of unpaid civil fines and senior to any lien recorded or registered after the recordation of the notice. The lien shall continue until the unpaid civil fines are paid in full or until a certificate of release or partial release of the lien, prepared by the county at the owner's expense, is recorded. The notice of unpaid civil fines shall state the amount of the fine as of the

date of the notice and maximum permissible daily increase of the fine. The county shall not be required to include a social security number, state general excise taxpayer identification number, or federal employer identification number on the notice. Recordation of the notice 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 land court under chapter 501. After the unpaid civil fines are added to the taxes, fees, or charges as specified by county ordinance, the unpaid civil fines shall be deemed immediately due, owing, and delinquent and may be collected in any lawful manner. The procedure for collection of unpaid civil fines authorized in this paragraph shall be in addition to any other procedures for collection available to the State and county by law or rules of the courts;

- (C) Each county may impose civil fines upon any person who places graffiti on any real or personal property owned, managed, or maintained by the county. The fine may be up to \$1,000 or may be equal to the actual cost of having the damaged property repaired or replaced. The parent or guardian having custody of a minor who places graffiti on any real or personal property owned, managed, or maintained by the county shall be jointly and severally liable with the minor for any civil fines imposed hereunder. Any such fine may be administratively imposed after an opportunity for a hearing under chapter 91, but such a proceeding shall not be a prerequisite for any civil fine ordered by any court. As used in this subparagraph, “graffiti” means any unauthorized drawing, inscription, figure, or mark of any type intentionally created by paint, ink, chalk, dye, or similar substances;
- (D) At the completion of an appeal in which the county’s enforcement action is affirmed and upon correction of the violation if requested by the violator, the case shall be reviewed by the county agency that imposed the civil fines to determine the appropriateness of the amount of the civil fines that accrued while the appeal proceedings were pending. In its review of the amount of the accrued fines, the county agency may consider:
 - (i) The nature and egregiousness of the violation;
 - (ii) The duration of the violation;
 - (iii) The number of recurring and other similar violations;
 - (iv) Any effort taken by the violator to correct the violation;
 - (v) The degree of involvement in causing or continuing the violation;
 - (vi) Reasons for any delay in the completion of the appeal; and
 - (vii) Other extenuating circumstances.

The civil fine that is imposed by administrative order after this review is completed and the violation is corrected shall be subject to judicial review, notwithstanding any provisions for administrative review in county charters;

- (E) After completion of a review of the amount of accrued civil fine by the county agency that imposed the fine, the amount of the civil fine determined appropriate, including both the initial civil fine and any accrued daily civil fine, shall immediately

- become due and collectible following reasonable notice to the violator. If no review of the accrued civil fine is requested, the amount of the civil fine, not to exceed the total accrual of civil fine prior to correcting the violation, shall immediately become due and collectible following reasonable notice to the violator, at the completion of all appeal proceedings; and
- (F) If no county agency exists to conduct appeal proceedings for a particular civil fine action taken by the county, then one shall be established by ordinance before the county shall impose the civil fine;
- (25) Any law to the contrary notwithstanding, any county mayor, by executive order, may exempt donors, provider agencies, homeless facilities, and any other program for the homeless under part XVII of chapter 346 from real property taxes, water and sewer development fees, rates collected for water supplied to consumers and for use of sewers, and any other county taxes, charges, or fees; provided that any county may enact ordinances to regulate and grant the exemptions granted by this paragraph;
- (26) Any county may establish a captive insurance company pursuant to article 19, chapter 431; and
- (27) Each county shall have the power to enact and enforce ordinances regulating towing operations.”

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 6, 2023.)

ACT 235

S.B. NO. 1254

A Bill for an Act Relating to the Kaiwi Coast.

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

SECTION 1. The legislature finds that the lands of the Kaiwi coast are an invaluable natural asset for the people of Hawaii. Numerous community members and organizations have fought long and hard over many decades to protect and preserve this unspoiled area for future generations.

The legislature further finds that a growing interest in this area of Oahu has brought a rapid increase in visitors to the Kaiwi coast. Dangerous conflict between vehicles, pedestrians, and bicyclists along the highway is increasing the risk of injury and death on a regular basis.

Collaboration between community organizations and government agencies is necessary to address myriad issues, such as ensuring safety, managing human impacts, preventing invasive species, and restoring the local ecosystem.

Accordingly, the purpose of this Act is to protect and preserve the lands of the Kaiwi coast in perpetuity by requiring certain lands to be petitioned to be designated as the Kaiwi coast state park so the area can be properly protected and managed for the benefit of residents and future generations.

SECTION 2. (a) The department of land and natural resources shall petition the board of land and natural resources to designate the following tax map key numbers as a state park under the name “Kaiwi coast state park”:

- (1) (1)3-9-11:002; and
- (2) (1)3-9-11:007.

(b) The department of land and natural resources shall administer the lands in subsection (a) that have been designated by the board of land and natural resources as a state park.

(c) This Act shall be exempt from the requirements of section 171-64.7, Hawaii Revised Statutes, and the boundary amendment requirements of chapter 205, Hawaii Revised Statutes.

(d) All conditions and obligations related to federal funds previously expended on lands in subsection (a) shall be observed unless otherwise authorized by the federal government.

SECTION 3. (a) All land within or added to the Kaiwi coast state park shall be considered for designation as conservation land.

(b) Land in the Kaiwi coast state park shall be preserved in perpetuity primarily in its wild and natural state.

(c) Any land added to the Kaiwi coast state park after the effective date of this Act shall be subject to this section.

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

(Approved July 6, 2023.)

ACT 236

S.B. NO. 1391

A Bill for an Act Relating to Administrative Penalties on Public Lands.

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

SECTION 1. Section 171-6.4, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~**§171-6.4** **General administrative penalties.** (a) Except as otherwise provided by law, the board or its authorized representative by proper delegation may set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys’ fees and costs; or bring legal action to recover administrative fines, fees, and costs, including attorneys’ fees and costs, or payment for damages resulting from a violation of this chapter or any rule adopted pursuant to this chapter. The administrative fines shall be as follows:

- (1) For a first violation, a fine of not more than \$2,500;
- (2) For a second violation within five years of a previous violation, a fine of not more than \$5,000; and
- (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$10,000.

(b) Any criminal action against a person for any violation of this chapter or any rule adopted pursuant to this chapter shall not be deemed to preclude the State from pursuing civil legal action against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter or any rule adopted pursuant to this chapter shall not be deemed to preclude the State from pursuing any criminal action against that person. Each day of each violation shall constitute a separate offense.

(c) Noncompliance with administrative enforcement action against a landowner for a land use, as defined in section 183C-2, that violates the law or for a currently unauthorized structure encroaching on public lands, including but not limited to submerged lands or lands within the shoreline, that falls, slides, or comes onto public land, or arises from or benefits an adjoining or abutting private land shall affect title pursuant to section 501-151 and result in a lien attaching to the adjoining or abutting private land.”

SECTION 2. Section 501-151, Hawaii Revised Statutes, is amended to read as follows:

“§501-151 Pending actions, judgments; recording of, notice. No writ of entry, action for partition, or any action affecting the title to real property or the use and occupancy thereof or the buildings thereon, and no judgment, nor any appeal or other proceeding to vacate or reverse any judgment, shall have any effect upon registered land as against persons other than the parties thereto, unless a full memorandum thereof, containing also a reference to the number of the certificate of title of the land affected is filed or recorded and registered. Except as otherwise provided, every judgment shall contain or have endorsed on it the State of Hawaii general excise taxpayer identification number, the federal employer identification number, or the last four digits only of the social security number for persons, corporations, partnerships, or other entities against whom the judgment is rendered. If the judgment debtor has no ~~[social security number,]~~ State of Hawaii general excise taxpayer identification number, ~~[or]~~ federal employer identification number, or social security number, or if that information is not in the possession of the party seeking registration of the judgment, the judgment shall be accompanied by a certificate that provides that the information does not exist or is not in the possession of the party seeking registration of the judgment. Failure to disclose or disclosure of an incorrect ~~[social security number,]~~ State of Hawaii general excise taxpayer identification number, ~~[or]~~ federal employer identification number, or social security number shall not in any way adversely affect or impair the lien created upon recording of the judgment. This section ~~[does]~~ shall not apply to attachments, levies of execution, or ~~[to]~~ proceedings for the probate of wills, or for administration in a probate court; provided that in case notice of the pendency of the action has been duly registered, it ~~[is]~~ shall be sufficient to register the judgment in the action within sixty days after the rendition thereof.

As used in this chapter, “judgment” includes an order or decree having the effect of a judgment.

Notice of the pendency of an action in a United States District Court, as well as a state court ~~[of the State of Hawaii]~~, may be recorded.

Notice of opening a dispute resolution case as provided in section 667-79 may be recorded.

Foreclosure notice as provided in section 667-23 may be recorded.

The party seeking registration of a judgment shall redact the first five digits of any social security number by blocking the numbers out on the copy of the judgment to be filed or recorded.

As used in this section, “action” includes an administrative enforcement action by any state or county agency, board, or commission against a landowner for a land use violation or a currently unauthorized structure encroaching on public lands, including but not limited to submerged lands or lands within the shoreline, that falls, slides, or comes onto public land, or arises from or benefits an adjoining or abutting private land.”

SECTION 3. Section 634-51, Hawaii Revised Statutes, is amended to read as follows:

“§634-51 Recording of notice of pendency of action. ~~[(a)]~~ In any action concerning real property or affecting the title or the right of possession of real property, the plaintiff~~[-]~~ at the time of filing the complaint~~[-]~~; any state or county agency, board, or commission imposing an administrative enforcement action; and any other party at the time of filing a pleading in which affirmative relief is claimed, or at any time afterwards, may record in the bureau of conveyances a notice of the pendency of the action, containing the names or designations of the parties, as set out in the summons or pleading, the object of the action or claim for affirmative relief, and a description of the property affected thereby. From and after the time of recording the notice, a person who becomes a purchaser or encumbrancer of the property affected shall be deemed to have constructive notice of the pendency of the action and be bound by any judgment entered therein if the person claims through a party to the action; provided that in the case of registered land, section 501-151, sections 501-241 to 501-248, and part II of chapter 501 shall govern.

~~[(b)]~~ This section authorizes the recording of a notice of the pendency of an action in a United States District Court, as well as a state court.

(c) As used in this section, “action” includes an administrative enforcement action by any state or county agency, board, or commission against a landowner for a land use violation or a currently unauthorized structure encroaching on public lands, including but not limited to submerged lands or lands within the shoreline, that falls, slides, or comes onto public land, or arises from or benefits an adjoining or abutting private land.”

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 6, 2023.)

ACT 237

H.B. NO. 1200

A Bill for an Act Relating to the Conservation and Resources Enforcement Program.

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

SECTION 1. The legislature finds that the division of conservation and resources enforcement of the department of land and natural resources has vast responsibility for enforcing state laws related to natural and cultural resources on over one million acres of state land and three million acres of state ocean waters. Many of the lands and waters under the responsibility of the division are in remote, off-road, or inaccessible areas, creating obstacles to timely and effective investigation, evidence gathering, and prosecution for natural and cultural resource violations. Violators often are highly aware of, and exploit, the access limitations of the division and focus their illegal activities in areas or at times when the division cannot observe or investigate alleged violations in a timely manner.

The legislature further finds that unmanned aircraft systems, commonly known as drones, provide a unique and powerful tool for monitoring potentially illegal activity on public lands and can aid effective enforcement. The

legislature recognizes that this kind of modern enforcement tool can provide an efficient, cost-effective, and valuable method of obtaining admissible evidence for enforcement proceedings, as well as deter illegal conduct on public lands. A number of other states, such as California and Texas, have developed programs that authorize unmanned aircraft systems for natural resources monitoring, enforcement, and investigation. In Hawaii, the Honolulu police department has a policy that authorizes deployment of unmanned aircraft systems for specific operations and sets forth procedures regarding the use of the recordings as evidence. The Honolulu police department policy recognizes that unmanned aircraft systems provide efficient enforcement tools that enhance police effectiveness and public safety.

The legislature also finds that providing the department of land and natural resources specific authority to establish and operate an unmanned aircraft systems program under the division of conservation and resources enforcement is essential to enhancing compliance with state natural and cultural resource laws.

The purpose of this Act is to:

- (1) Require and appropriate funds for the department of land and natural resources to establish an unmanned aircraft systems program that is compliant with federal and state laws;
- (2) Authorize the use of unmanned aircraft systems to monitor, investigate, and obtain admissible evidence of natural and cultural resource violations; and
- (3) Beginning January 1, 2026, require an annual report to the legislature on the unmanned aircraft systems program.

SECTION 2. Chapter 199, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§199- Unmanned aircraft systems program. (a) No later than June 30, 2025, the department of land and natural resources shall establish an unmanned aircraft systems program, which shall be compliant with all applicable federal and state laws, to assist the conservation and resources enforcement program in carrying out its duties under this chapter.

(b) Conservation and resources enforcement officers may use unmanned aircraft systems to monitor, investigate, and obtain evidence of natural and cultural resource violations to carry out the purposes of this chapter.

(c) The department of land and natural resources shall maintain detailed records of the use of unmanned aircraft systems and the effectiveness of the unmanned aircraft systems program.

(d) The department of land and natural resources shall submit an annual report to the legislature no later than January 1, 2026, and every year thereafter, on the unmanned aircraft systems program for the preceding annual period. The report shall be available to the public on the department’s website and include:

- (1) A log of each use of an unmanned aircraft system, including the date, time, location, and types of incidents and justification for use;
 - (2) A log of the civil or criminal investigations aided by the use of an unmanned aircraft system;
 - (3) A log of any other uses of an unmanned aircraft system; and
 - (4) A description of the program costs for the reporting period.
- (e) The department of land and natural resources may adopt rules pursuant to chapter 91 to carry out the purposes of this section.
- (f) The department of land and natural resources shall not purchase, operate, or otherwise acquire or use unmanned aircraft systems manufactured

or assembled by a covered foreign entity; provided that the chairperson of the board of land and natural resources may waive this prohibition on a case-by-case basis to the extent necessary for counter-unmanned aircraft systems activities, criminal investigative purposes, or exigent circumstances; provided further that the chairperson notifies the governor within fifteen calendar days after the chairperson grants each waiver. Unless waived, no state funds, including funds awarded through a contract, grant, or cooperative agreement or otherwise made available, shall be used by the department of land and natural resources in connection with unmanned aircraft systems manufactured or assembled by a covered foreign entity.

For the purposes of this section, “covered foreign entity” means:

- (1) An entity included on the Consolidated Screening List or Entity List as designated by the United States Secretary of Commerce;
- (2) An entity domiciled in the People’s Republic of China or the Russian Federation;
- (3) An entity subject to influence or control by the government of the People’s Republic of China or by the Russian Federation;
- (4) Da-Jiang Innovations; or
- (5) A subsidiary or affiliate of an entity enumerated in paragraphs (1) through (4).”

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 2023-2024 for the unmanned aircraft systems program established pursuant to section 199- , Hawaii Revised Statutes.

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

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$125,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,892,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. New statutory material is underscored.²

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 6, 2023.)

Notes

1. Act 164.

2. Edited pursuant to HRS §23G-16.5.

ACT 238

S.B. NO. 497

A Bill for an Act Relating to Commercial Vehicles.

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

SECTION 1. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291C- Oversized commercial vehicles; prohibition from using left lane. (a) Upon any roadway having three or more lanes for traffic moving in the same direction, no commercial vehicle weighing ten thousand pounds or more shall be driven in the far left lane unless:

- (1) The commercial vehicle is able to maintain speed with existing traffic flow; and
- (2) The commercial vehicle is in the process of overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

(b) This section shall not apply to commercial vehicles occupying the left lane for the purpose of turning left or exiting, or preparing to turn left or exit.

(c) For the purposes of this section, “commercial vehicle” shall have the same meaning as in section 291-11.5. “Commercial vehicle” does not include buses or van pools operated by the counties.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on January 1, 2024.

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 239

H.B. NO. 118

A Bill for an Act Relating to Traffic Fines.

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

SECTION 1. The legislature finds that many popular scenic areas draw thousands of visitors who overburden state and county roads and highways and contribute to illegal parking that causes traffic gridlock and complaints from local communities.

The legislature also finds that Act 250, Session Laws of Hawaii 2019, established the state highway enforcement program, which added a surcharge for illegal parking violations. Act 250 required that fifty per cent of the surcharge revenue be distributed to county police departments, which are vital to the enforcement of parking violations but have limited resources.

The purpose of this Act is to clarify that counties may, by ordinance, designate county highways where the stopping, standing, or parking of vehicles are restricted or prohibited.

ACT 240

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§46- Prohibitions or restrictions on stopping, standing, or parking of vehicles on county highways.** Each county, by ordinance, may prohibit or restrict the stopping, standing, or parking of vehicles by designating specific sections of county highways that shall be subject to section 291C-III; provided that any federal or state agency authorizing a road closure shall preempt a county ordinance. Upon adoption of the ordinance, the county shall submit to the judiciary notice of the adoption of the ordinance and a copy of the ordinance.”

SECTION 3. Section 291C-111, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any person committing a violation of any law or ordinance prohibiting or restricting the stopping, standing, or parking of vehicles on state highways or designated county highways shall be charged, in addition to any other applicable penalties and fines, a state highway enforcement program surcharge of \$200 to be enforced and collected by the district courts and to be deposited into the state highway fund; provided that fifty per cent of each surcharge collected shall be disbursed to the police department of the county in which the violation occurred.”

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 240

H.B. NO. 1104

A Bill for an Act Relating to Motor Vehicles Enforcement.

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

SECTION 1. Section 291-39, Hawaii Revised Statutes, is amended to read as follows:

“**§291-39 Enforcement.** (a) For the purpose of the enforcement of sections 291-33 to 291-36, the powers of police officers are conferred upon the director of transportation and any motor carrier safety officer. Every police officer and motor carrier safety officer shall enforce compliance with sections 291-33 to 291-36, with the technical assistance of the department of transportation. In the enforcement of sections 291-34 to 291-36 such officers may require the driver of a vehicle to stop and submit to:

- (1) The measurement of the dimensions of the vehicle and load;
- (2) The examination of the certificate of weight; and
- (3) The weighing of vehicles and load by means of either wheel load weighers, axle load scales, or vehicle scales, if [~~such~~] the scales are within two miles of the place where the vehicle is stopped.

(b) The department of transportation is authorized to provide the necessary technical assistance to police officers and motor carrier safety officers to determine compliance or noncompliance with sections 291-34 to 291-36.

Whenever the department of transportation determines that the size or weight of a vehicle does not comply with sections 291-34 to 291-36, the police officers or motor carrier safety officers may require the driver to move the vehicle to a suitable place and to remain there until the vehicle and load are brought into compliance with the limits prescribed by this chapter. If any of the load must be removed from the vehicle in order to comply with sections 291-34 to 291-36, the removal and all risks caused by or resulting from the removal shall be the responsibility of the owner or operator of the vehicle.

~~[(e) Notwithstanding any other provisions of this chapter, no enforcing officer shall issue a citation for violation of section 291-35 unless:~~

- ~~(1) The violator exceeds the applicable maximum weight by more than five per cent when a portable axle scale is used; or~~
- ~~(2) The violator exceeds the applicable maximum weight by more than two per cent when a permanently installed axle load scale is used.~~

~~This subsection shall not apply to interstate highways.~~

~~[(d)] (c) Police officers and motor carrier safety officers shall issue citations to any person violating sections 291-33 to 291-36, except as specified in subsection (e)].~~

~~[(e)] (d) The driver of any vehicle who fails or refuses to stop and submit the vehicle and load to measuring or weighing when directed by a police officer or motor carrier safety officer or who fails or refuses to otherwise comply with this section, shall be fined as provided in section 291-37.”~~

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 6, 2023.)

ACT 241

H.B. NO. 1108

A Bill for an Act Relating to Commercial Motor Vehicle Fines.

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

SECTION 1. Section 291-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person who omits to perform any of the acts required by, or who commits any of the acts prohibited by, sections 291-2 to 291-33, or any rules adopted to enforce those sections, shall be guilty of a violation and shall be fined not less than \$25 nor more than \$1,800, except as otherwise provided.

Any person who omits to perform any of the acts required by, or who commits any of the acts prohibited by, section 291-34, 291-35, or 291-36 shall be fined in accordance with the following [tables]:

[The fine for a ¹	
If the excess weight is:	violation shall be:
100 to 1,500 pounds	\$250
1,501 to 2,000 pounds	260
2,001 to 2,500 pounds	280
2,501 to 3,000 pounds	320
3,001 to 3,500 pounds	360
3,501 to 4,000 pounds	400
4,001 to 4,500 pounds	450
4,501 to 5,000 pounds	500

5,001 to 5,500 pounds	550
5,501 to 6,000 pounds	600
6,001 to 6,500 pounds	660
6,501 to 7,000 pounds	720
7,001 to 7,500 pounds	780
7,501 to 8,000 pounds	840
8,001 to 8,500 pounds	910
8,501 to 9,000 pounds	980
9,001 to 9,500 pounds	1050
9,501 to 10,000 pounds	1120
10,001 pounds and over	1160]

- (1) For excess weight of up to 100 pounds, the minimum fine for a violation shall be \$250;
- (2) For excess weight greater than 100 pounds, the fine for a violation shall be an additional \$0.11 per pound. Example: A truck is cited for weighing 15,000 pounds in excess of the gross weight limit; the fine is \$250 + (15,000-100)*\$0.11 = \$1,889; and
- (3) The fines in paragraphs (1) and (2) shall be applied to each axle and wheel group violation in addition to a gross vehicle weight violation as applicable.

If the excess dimension is: The fine shall be:

Up to 5 feet	\$ 50
Over 5 feet and up to 10 feet	100
Over 10 feet and up to 15 feet	150
Over 15 feet	200

For the purposes of this section, “person” means the driver of the vehicle unless the driver is an employee in the scope and course of employment, in which case “person” means the employer of the driver. In the case of the transportation of a sealed container or transportation by flatrack, “person” means[:

(1) ~~The]~~ the individual or company the cargo is consigned to[;

or
 [(2) ~~The]~~ the individual or company located in the State shipping the cargo.

The consignee or the shipper shall not be cited if the power units’ drive axle group is overweight, and the weight is not more than that allowed for a tandem axle with any applicable tolerances.

All penalties imposed and collected for violations of sections 291-33 to 291-36 shall be paid into the state highway fund.

The department of transportation shall institute a system where the fine, based on the [tables] provisions in this subsection, may be mailed in when the citation or penalty is not to be contested. This system shall include an ability for the owner of the vehicle or combination of vehicles to request the operator be held harmless and the citation be transferred to that owner of the vehicle or combination of vehicles.”

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 6, 2023.)

Note

1. So in original.

ACT 242

S.B. NO. 1086

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 the department of transportation manages and spends more taxpayer dollars than nearly any other state agency. Most departments of transportation throughout the country have robust mechanisms to ensure funds are best spent, including publicly transparent processes to evaluate, select, and track projects; oversight commissions of expert stakeholders to independently monitor, evaluate, and provide guidance to the department and policymakers; and regular robust reporting that meaningfully measures and assesses overall progress toward public policy goals.

Accordingly, the purpose of this Act is to amend the name, composition, and duties of the state highway safety council to make the council an independently led group of expert stakeholders that may review the department of transportation's efforts to ensure transparency and provide guidance to the department and legislature to help achieve state transportation goals and outcomes.

SECTION 2. Section 286-5, Hawaii Revised Statutes, is amended to read as follows:

“§286-5 State highway safety and modernization council. (a) There is established the Hawaii highway safety and modernization council. ~~[The director of transportation shall serve as its chairperson.]~~ The council shall be chaired on an annually rotating basis by a member appointed by the president of the senate and a member appointed by the speaker of the house of representatives. In addition to the member appointed by the president of the senate and member appointed by the speaker of the house of representatives, the following or their designated representatives shall be members of the council: the chief justice, the attorney general, the director of health, the superintendent of education, the executive director of the state public charter school commission, the president of the University of Hawaii, the chairperson of the University of Hawaii at Manoa department of urban and regional planning, the co-chairpersons of the Hawaii climate change mitigation and adaptation commission, the director of the office of planning and sustainable development, the chief energy officer of the Hawaii state energy office, an additional two members appointed by the president of the senate and speaker of the house of representatives, respectively, the chairperson of each of the county highway safety councils established under section 286-6, and not more than ~~[twenty]~~ twelve other persons who shall be appointed by the governor for a three-year term as follows:

- (1) One member from an organization representing senior citizens;
- (2) One member from an organization representing bicyclists;
- (3) One member from an organization having a focus on micro-mobility;
- (4) One member from an organization having a focus on transportation, planning, and improvement;
- (5) One member from an organization having a focus on reducing the cost of transportation for low-income communities;
- (6) One member from an organization representing labor and construction;

- (7) One member from an organization representing trucking and cargo carriers;
- (8) One member from an organization having a focus on the electrification of transportation;
- (9) One member from an organization having a focus on expanding trees and foliage and reducing urban heat;
- (10) One member from an organization representing the automobile manufacturing industry; and
- (11) Up to two members on the basis of their interest in [highway] transportation safety[-] and related state goals.
 - (b) The state highway safety and modernization council shall [advise]:
 - (1) Review programs, projects, plans, and strategies related to improving safety in ground transportation in the department of transportation;
 - (2) Ensure transparency and oversight in programs, projects, decisions, and spending related to ground transportation in the department of transportation;
 - (3) Establish metrics and benchmarks for the department of transportation to ensure progress on state goals related to ground transportation, safety, and other related goals;
 - (4) Review projects in development and make recommendations for how each project might be improved, if warranted, to better meet state goals, before project plans and designs are finalized;
 - (5) Provide direction to the department of transportation and make recommendations to the legislature as necessary to ensure progress on state goals related to ground transportation, safety, and other related goals;
 - (6) Advise the governor, legislature, and public on matters relating to the programs [and], activities, projects, outcomes, and recommendations of the State in the field of [highway] transportation safety[-]; and
 - (7) Submit an annual report to the department of transportation that reflects the work, responsibilities, and recommendations of the council.

(c) The members of the council shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in discharge of their duties.”

SECTION 3. Members of the state highway safety and modernization council who are appointed and serving on the council before the effective date of this Act shall continue to serve any remaining time left in their terms; provided that their respective expertise aligns with the council membership requirements pursuant to 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, 2023.

(Approved July 6, 2023.)

ACT 243

S.B. NO. 1166

A Bill for an Act Relating to the Renewal of Driver's Licenses.

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

SECTION 1. Section 286-107, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

“(c) Any person who holds a category (1), (2), or (3) license issued under this part ~~[who is unable to appear in person before the examiner of drivers to apply for a renewal of the driver's license,]~~ may~~;~~ apply for a renewal of the license online via any electronic or digital means provided by the examiner of drivers, or by mail, if the person is not disqualified from renewing the license under subsection (a) except as provided under subsection (h)~~;~~ apply for a renewal by mail. The applicant's request to have the license renewed by mail must be received by the examiner of drivers within ninety days after the expiration of the license or it shall be treated as an application for reactivation of an expired license under section 286-107.5. The examiner of drivers shall, upon receipt of the request, furnish the applicant with all necessary forms and instructions. An application for renewal made by electronic or digital means or by mail pursuant to this subsection shall be accompanied by a statement from a licensed physician, physician assistant, or advanced practice registered nurse certifying that the applicant was examined by the licensed physician, physician assistant, or advanced practice registered nurse ~~[not]~~ no more than six months ~~[prior to]~~ before the expiration date of the applicant's license and that the applicant was found by the examination to have met the physical requirements established by the state director of transportation for the renewal of licenses. The application for renewal by electronic or digital means or by mail shall also be accompanied by:

- (1) A notarized statement of the applicant certifying that the applicant does not possess any valid license to operate the same or similar category or categories of motor vehicles, issued by another licensing authority (unless the license is concurrently surrendered); and
- (2) ~~[Such]~~ Any other information as may be required by the examiner of drivers that is reasonably necessary to confirm the identity of the applicant and the applicant's fitness to continue to operate a motor vehicle.”

2. By amending subsection (f) to read:

“(f) No driver's license shall be renewable by electronic or digital means or by mail:

- (1) For more than two consecutive renewals, regardless of whether the license expires, as provided under section 286-106, on the eighth~~;~~ or fourth~~;~~ or second birthday after issuance; or
- (2) Sixteen years have lapsed since the applicant had appeared in person;

provided that this subsection shall not apply to a resident military person or that person's immediate family if the resident military person resides outside the State on official military orders.”

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, 2025.

(Approved July 6, 2023.)

A Bill for an Act Relating to Safe Routes to School.

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

SECTION 1. The legislature finds that safety on our streets is the top transportation priority. Ensuring safe routes to school for every keiki will protect Hawaii's most vulnerable road users and serve as a long-term investment in the future of transportation in the State. Decades of automobile-centric planning and development have created formidable barriers to safety for keiki and kupuna on our roads. These barriers include a lack of complete, safe, and comfortable bicycle and pedestrian networks; burdensome and complicated funding mechanisms for safe routes to school programs and community engagement; a lack of a state safe routes to school plan that creates performance measures, goals, strategies, and accountability; and a lack of coordinated safe routes to school promotion among state and county agencies and community-based organizations.

The legislature further finds that the state department of transportation's safe routes to school program was initially created by section 219C-3, Hawaii Revised Statutes, in response to the passage of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, also known as the SAFETEA-LU Act, and attendant funding. The SAFETEA-LU Act funding expired in 2012, and similar federal funds for this purpose have since ceased to be distributed to the states. The legislature finds that section 291C-2, Hawaii Revised Statutes, should be amended because the expiration of federal funds means that the conformance to onerous and complicated federal requirements is no longer needed, and, accordingly, the program can be simplified.

The legislature further finds that the primary source of funding for the safe routes to schools program currently comes from surcharges on citations collected from traffic moving violations, which are deposited into the safe routes to school special fund. However, in 2021, the legislature enacted Act 9, Special Session Laws of Hawaii 2021, which transferred the responsibility of allocating moneys to county safe routes to school programs from the state department of transportation to the legislature. However, it has not been practical for the legislature to distribute safe routes to schools special funds for program objectives on an annual basis because the safe routes to school program is a year-round program that requires regular collaboration between the State, counties, and community stakeholders to develop and implement programming and projects year-round. The lack of a regular process and procedure has led to safe routes to school program special fund moneys not being distributed since 2020, disrupting a previously reliable source of funding that communities and counties relied on for safe routes to school programming and project development.

Since then, traffic fatalities have increased to record levels, with 2022 seeing a record high one hundred seventeen traffic fatalities and five hundred seventy-two serious injuries, with many in and around schools. In 2023, two deaths immediately outside Kaelepulu elementary school and McKinley high school have illustrated the need for immediate action to help create safer routes to schools.

Accordingly, the purpose of this Act is to prioritize the safety of keiki by fixing and simplifying the safe routes to schools program, re-engaging community stakeholders, and appropriating funds to move priority projects and save lives by:

- (1) Enhancing the safe routes to school program by developing strategies and facilitating transportation-related projects that will ensure that keiki are able to safely walk, bike, or roll to common destinations through the Vision Zero policy adopted by the department of transportation and county transportation departments pursuant to section 286-7.5, Hawaii Revised Statutes; the ground transportation facilities plans developed and implemented by the department of transportation and counties pursuant to section 264-142, Hawaii Revised Statutes; and the safe routes to school program under section 291C-3, Hawaii Revised Statutes;
- (2) Establishing a safe routes to school advisory committee of government and community stakeholders to advise the State in carrying out the purposes of the safe to schools program;
- (3) Authorizing the safe routes to school advisory committee to develop an application process for projects under the safe routes to school program and determine awards for selected projects; and
- (4) Appropriating funds for priority projects that will improve safety and allow keiki and their families to safely walk, bike, or roll to school.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§291C- Safe routes to school advisory committee. (a) There is established within the planning branch of the highways division of the department of transportation for administrative purposes a safe routes to school advisory committee to advise the State on strategies to ensure that each child in the State is able to safely bike, walk, or roll to school.

(b) The safe routes to school advisory committee shall:

- (1) Develop a comprehensive, statewide safe routes to school plan that shall include:
 - (A) Goals, strategies, and performance metrics that ensure accountability for improving safety, active transportation mode share, community investment in supportive programming, and infrastructure quality, pursuant to sections 286-7.5 and 264-142;
 - (B) Methods to ensure stability and consistency of the safe routes to school program special fund, which shall provide for infrastructure projects and continuity of existing programmatic (non-infrastructure) work;
 - (C) Recommendations to streamline and facilitate efforts by communities to apply for and implement projects pursuant to sections 286-7.5, 264-142, and 291C-3; and
 - (D) Identification of, and recommendations for, additional funding, planning, and programming that are inclusive and equitable pursuant to sections 286-7.5 and 264-142;
- (2) Beginning July 1, 2024, ensure distribution of moneys accrued in the safe routes to school special fund, prioritizing continuity of existing programming;
- (3) Beginning July 1, 2024, review project proposals and select priority projects within one mile of any school or place of learning pursuant to sections 286-7.5, 264-142, and 291C-3 to be funded through

the safe routes to school program or otherwise be prioritized and implemented by the department;

- (4) Submit annual reports on the activities and recommendations of the safe routes to school program to the governor and legislature no later than December 31 of each year; and
- (5) Meet no less than monthly.

(c) The safe routes to school advisory committee shall consist of the following members or their designees:

- (1) One member to be appointed by the president of the senate and one member to be appointed by the speaker of the house of representatives, who shall chair the advisory committee annually on a rotating basis;
- (2) The department of transportation's safe routes to school program coordinator;
- (3) The deputy director of the department of transportation's highways division;
- (4) One member representing the physical activity and nutrition section of the department of health's chronic disease prevention and health promotion division;
- (5) The superintendent of education;
- (6) The co-chairs of the Hawaii climate change mitigation and adaptation commission;
- (7) One member representing the Hawaii state energy office;
- (8) One member representing the Hawaii state council on developmental disabilities;
- (9) One member representing each county agency with jurisdiction over transportation;
- (10) One member representing an organization with a focus on bicycling to be appointed by the governor, pursuant to section 26-34, for a three-year term;
- (11) One member representing an organization with a focus on senior citizens and their families to be appointed by the governor, pursuant to section 26-34, for a three-year term;
- (12) One member representing an organization that understands the ways families with young children navigate through the State to be appointed by the governor, pursuant to section 26-34, for a three-year term;
- (13) One member representing an organization with a focus on public health and mobility to be appointed by the governor, pursuant to section 26-34, for a three-year term;
- (14) One member representing an organization with a focus on transportation equity and mobility to be appointed by the governor, pursuant to section 26-34, for a three-year term; and
- (15) The chairs of the house of representatives standing committee and the senate standing committee with primary jurisdiction over transportation, who shall serve as non-voting, ex-officio members.

The chair of the committee may request the participation or input of members of the public; experts in the field; and county, state, or federal officials or others as necessary.

(d) Members of the safe routes to school advisory committee shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(e) No member of the safe routes to school advisory committee shall be subject to chapter 84 solely because of the member's service on the committee."

SECTION 3. Section 291C-3, Hawaii Revised Statutes, is amended to read as follows:

"§291C-3 State and county safe routes to school programs; coordinators; grants; reports. (a) There is established, within the department of transportation, a safe routes to school program that shall, among other things, enhance traffic safety around Hawaii's schools, enable and encourage children to walk and bicycle to school, and make bicycling and walking to school a safer and more appealing transportation alternative. Beginning July 1, 2024, the program shall be responsible for developing and publishing goals and performance measures in coordination with the safe routes to school advisory committee and providing technical assistance to counties and community organizations in support of projects and programs that advance state and county goals.

(b) There is created, within the department of transportation, the position of safe routes to school program coordinator. The safe routes to school program coordinator shall provide a central point of contact for the [federal] safe routes to school program.

(c) A county designated office, through the county safe routes to school program coordinator, and in consultation with the department of education, department of health, and Hawaii Association of Independent Schools, shall provide safe routes to school funds for school-based and community-based workshops and infrastructure and non-infrastructure projects that will reduce vehicular traffic and congestion, encourage walking and bicycling, and promote health and safety around Hawaii's schools.

(d) The [legislature shall appropriate] department of transportation shall expend funds from the safe routes to school program special fund [~~to the counties~~] in coordination with the safe routes to school advisory committee to be used for the implementation of [county] the safe routes to school program plan and projects[-] pursuant to section 291C- (b)(2) and (3). No later than twenty days prior to the convening of each regular session, each county shall submit to the legislature an annual report on the status and progress of its county safe routes to school program, including an accounting of all grants provided through the program and a timeline for future grant awards.

(e) Implementation of the county safe routes to school program shall take into consideration the need to:

- (1) Fill a permanent, full-time position of safe routes to school coordinator within the county designated office;
- (2) Maximize the participation of school officials and stakeholder groups in the community;
- (3) Work in conjunction with county designated safe routes to school stakeholders and train volunteer facilitators for school-based workshops and community-based projects, including flexible training schedules;
- (4) Train potential grant requestors and stakeholder groups in federal and state requirements necessary for procurement, contracts, design, and construction; and
- (5) Allocate not less than ten per cent and not more than thirty per cent of safe routes to school funds for non-infrastructure-related activities or activities to encourage walking and bicycling to school, public awareness campaigns, student sessions on bicycle and pe-

destrian safety, or other non-infrastructure activities [as prescribed under section 1404 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law No. 109-59].

~~(f)~~ Each grant proposal in the county safe routes to school program shall:

- (1) Identify the modes of travel used by students to get to school;
- (2) Determine the number of students using each mode of travel;
- (3) Survey the parents of each student to gather information regarding the factors involved in the choice of transportation mode for the student and, where the student travels by automobile or bus, conditions that would need to change for the parent to permit the student to walk or ride a bicycle to school, and obstacles to walking and biking; and
- (4) Identify traffic infrastructure elements in the immediate vicinity of each school, including multi-lane roadways, speed limits, and traffic calming features that, either by their presence or absence, contribute to the use of automobiles as a student's mode of travel to school.

~~(g)~~ ~~(f)~~ The [director of transportation, in consultation with organizations that have received non-infrastructure and pending infrastructure grants,] safe routes to school advisory committee established pursuant to section 291C- shall develop a streamlined process for the safe routes to school program that meets federal and state requirements, simplifies the grant proposal application process, and expedites release of funding after completion of school-based and community-based projects for infrastructure and non-infrastructure.

~~(h)~~ ~~(g)~~ The [director of transportation] safe routes to school advisory committee established pursuant to section 291C- shall submit to the legislature an annual report of the status and progress of the safe routes to school program, including an accounting of all grants provided through the program and a timeline for future grant awards, no later than twenty days prior to the convening of each regular session.

~~(i)~~ Nothing in this section shall be construed as requiring actions or omissions that would render the State ineligible to receive funds for the safe routes to school program under the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law No. 109-59.]”

SECTION 4. There is appropriated out of the state highway fund the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the safe routes to school program special fund.

SECTION 5. There is appropriated out of the safe routes to school program special fund the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to:

- (1) Support and facilitate the safe routes to school program, projects, and advisory committee; and
- (2) Match any federal funds received by the State for costs related to sidewalk and other infrastructure planning, development, and construction.

The sums appropriated shall be expended by the department of transportation for the purposes of 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 July 1, 2023.

(Approved July 6, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 245

H.B. NO. 794

A Bill for an Act Relating to Disability Awareness.

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

SECTION 1. The legislature finds that there are more than sixty-six thousand working-age persons with disabilities in the State, almost forty per cent of whom are presently employed. The legislature further finds that persons with disabilities have made and continue to make immense contributions to the State's workforce, economy, and culture.

The legislature recognizes that National Disability Employment Awareness Month, observed in October, raises awareness of employment challenges and obstacles for persons with disabilities while also celebrating these workers' achievements and contributions.

The purpose of this Act is to designate the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" in recognition of the employment challenges and successes of persons with disabilities in the State.

SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§8- Disability Awareness Month: Employment, Enrichment, and Inclusion. The month of October shall be known and designated as “Disability Awareness Month: Employment, Enrichment, and Inclusion.” 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 upon its approval.

(Approved July 7, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 246

H.B. NO. 834

A Bill for an Act Relating to American Sign Language.

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

SECTION 1. The legislature finds that at least a dozen states have enacted laws that recognize American Sign Language, or ASL, as a distinct language with its own rules, structure, and cultural heritage. Act 152, Session Laws of Hawaii 2016, which recognizes ASL as a world language for public school language requirement purposes, was an important first step, and this Act aims to advance the understanding and acknowledgment that ASL is a distinct language and not merely signed English.

The purpose of this Act is to recognize ASL as a fully developed, autonomous, natural language with its own grammar, syntax, vocabulary, and cultural heritage.

SECTION 2. Chapter 1, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§1- American Sign Language. American Sign Language is recognized as a fully developed, autonomous, natural language with its own distinct grammar, syntax, vocabulary, and cultural heritage.”

SECTION 3. New statutory material is underscored.¹

SECTION 4 This Act shall take effect upon its approval.

(Approved July 7, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 247

H.B. NO. 933

A Bill for an Act Relating to Telecommunications Access for Individuals with Print Disabilities.

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

SECTION 1. The legislature finds that the public utilities commission has a duty and obligation to obtain and maintain access to a basic set of essential telecommunications services for individuals who are blind or visually impaired.

The purpose of this Act is to appropriate funds to the public utilities commission to provide free telecommunications access to certain information for persons with a print disability.

SECTION 2. There is appropriated out of the public utilities commission special fund the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 to provide free telecommunications access to certain information for persons with a print disability.

The sums 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, 2023.

(Approved July 7, 2023.)

ACT 248

S.B. NO. 813

A Bill for an Act Relating to Court Interpreters.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,787,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that court interpreters are independent contractors of the judiciary who play an integral role in the administration of justice in the State. Hawaii has one of the largest populations of non-English speakers in the nation. The legislature further finds that court interpreters are often required to drive, sometimes for hours, to distant courthouses to provide interpretation services that are critical for a defendant with limited English proficiency to exercise the defendant's constitutional and statutory right to self-representation in court or assist counsel.

The legislature finds, however, that despite the substantial increase in the cost of living in Hawaii over the years, including considerable increases in the prices of automobiles and gasoline, the compensation for court interpreters has remained largely unchanged since it was established in 2007.

Accordingly, the purpose of this Act is to require the judiciary to conduct a study of interpreter fees and submit its findings and recommendations to the chief justice beginning in 2026 and every three years thereafter.

SECTION 3. Chapter 606, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§606- Study for annual adjustments of fees for interpreters. Beginning in 2026 and every three years thereafter, the judiciary shall conduct a study of interpreter fees, including recommendations on adjustments to the fee rates, and submit its findings and recommendations to the chief justice for consideration.”

SECTION 4. 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 2023-2024 to fund the study for annual adjustments of fees for interpreters pursuant to this Act.

ACT 249

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

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Notes

1. Act 164.
2. No Ramseyer section.

ACT 249

S.B. NO. 1373

A Bill for an Act Relating to the Executive Office on Aging Administrative Claiming Special Fund.

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

SECTION 1. The purpose of this Act is to clarify the allowable revenues to be deposited into the executive office on aging administrative claiming special fund.

SECTION 2. Section 349-5.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~349-5.5 Executive office on aging administrative claiming special fund. (a) There is established in the state treasury the executive office on aging administrative claiming special fund into which shall be deposited:

- (1) All revenues from medicaid administrative claiming designated for the department of health that are allowable for operating the aging and disability resource centers~~;~~ and programs within the executive office on aging;
- (2) Appropriations made by the legislature to the fund; and
- (3) Grants and gifts made to the fund.

(b) The executive office on aging administrative claiming special fund shall be administered and expended by the department of health to administer and implement ~~[section 349-32 for]~~ services for kupuna and individuals with disabilities who need long-term services and supports.”

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 7, 2023.)

ACT 250

S.B. NO. 1592

A Bill for an Act Relating to the Senior Medicare Patrol Program.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure

ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,953,655 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that the safety and welfare of the islands' kupuna is a priority. Scams and fraudulent activities targeting kupuna are unacceptable and diminish kupuna's assets, dignity, and legacy.

The legislature further finds that medicare loses over \$70,000,000,000 annually to fraudulent claims. Hawaii's population ranks first in the nation in terms of longevity, with an average life expectancy of 81.3 years. As the baby boomer generation continues to age, the number of people eligible for medicare will continue to grow.

The legislature further finds that the State's senior medicare patrol program, established in 1997, has a documented history of advocating for, educating, and protecting Hawaii's most vulnerable population. The program was established with two temporary full-time positions and continues to provide services with only two full-time staff positions, despite significant increases in reports of fraudulent activity. In addition, the State's senior medicare patrol program does not limit its assistance to fighting health care fraud and abuse. The executive office on aging recognizes that other types of fraud and abuse that deceive kupuna into providing personal information and money, including gift card and charity schemes; romance, caregiver, and imposter scams; and ransomware, have the potential to harm kupuna. To address increasing reports of fraud, medical billing errors, and abuse, more full-time staff positions are needed to expand the State's senior medicare patrol program and its delivery of services. The additional staff will allow the program to work closely with other private and government service providers to build a wider "help net" and assist kupuna statewide.

The purpose of this Act is to appropriate funds for the establishment of three additional positions within the State's senior medicare patrol program to meet the rising demand for assistance resulting from increasing reports of fraud, medical billing errors, and abuse.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$186,288 or so much thereof as may be necessary for fiscal year 2023-2024 and the sum of \$192,408 or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of one full-time equivalent (1.0 FTE) program specialist III position, one full-time equivalent (1.0 FTE) program specialist IV position, and one full-time equivalent (1.0 FTE) program specialist V position within the executive office on aging for the State's senior medicare patrol program.

The sums appropriated shall be expended by the executive office on aging for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Penalties for Unlicensed Care Homes.

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

SECTION 1. The legislature finds that the department of health has conducted investigations on two hundred twenty-one alleged unlicensed care homes during the past forty-eight months and has closed eleven homes and assessed \$2,489,800 in administrative penalties. Investigations on eighty-nine unlicensed homes are underway or pending. Meanwhile, unlicensed care homes continue to operate and pose a danger to the public and frail, elderly, and vulnerable populations.

The legislature further finds that under existing law, there are two provisions that assess administrative penalties that can be imposed on care home operators. Under section 321-486.3, Hawaii Revised Statutes, the fine for each day of uncertified or unlicensed operation of a care home is only \$100 for the first violation, up to a maximum of \$1,000 for subsequent violations. The legislature notes that unlicensed care homes charge as much as \$8,000 per month per client for multiple clients. A penalty under section 321-20(1), Hawaii Revised Statutes, of up to \$1,000 per day regardless of the number of prior violations would be a better remedial penalty to prevent operators from financially benefiting from operating a care home without a certificate or license.

SECTION 2. Section 321-486.3, Hawaii Revised Statutes, is repealed.

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

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

(Approved July 7, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the Hawaii State Health Insurance Assistance Program.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37 91¹ and 37 93,¹ Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,² and this Act will cause the state general fund expenditure ceiling for fiscal year 2023 2024¹ to be exceeded by \$1,063,953,655 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023 2024¹ in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,² and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that medicare is essential to providing health care coverage for older adults and persons with disabilities in the State. However, the rules and procedures for medicare eligibility and enrollment are complex and difficult to navigate, especially for kupuna. The legislature further finds that Hawaii's medicare population has increased one hundred twenty per cent over the span of thirty years, from 133,439 persons in 1992 to 295,405 persons in 2022.

According to World Population Review, an independent organization without political affiliations, Hawaii ranks first in the nation in terms of longevity, with residents living 81.3 years on average, and the cost of living in Hawaii is almost double that of the national average, at 193.3 per cent. In 2022, total medical and prescription drug spending rose to \$157,480,248. According to a Financial Health Network and Hawaii Community Foundation report, seventy-three per cent of medicare beneficiaries report dipping into savings and forty-seven per cent report relying on family and friends for financial support. Approximately four per cent of the State is uninsured, and about eleven per cent live in poverty. Without insurance, unexpected medical costs or a catastrophic illness could result in the loss of one's home and assets. A lack of health care coverage lowers health outcomes and increases health care costs, poverty rates, and the number of individuals who qualify for the already overburdened medicaid program.

The legislature further finds that the Hawaii state health insurance assistance program was established within the executive office on aging in 1992 with two temporary staff members. The program's purpose is to assist and educate medicare beneficiaries to:

- (1) Make informed health insurance choices based on the beneficiary's needs and budget;
- (2) Enroll in medicare as soon as first eligible to avoid lifetime late enrollment penalties;
- (3) Access wellness and preventive services to improve health outcomes, lower health care costs, and promote aging in place; and
- (4) Enroll in low-income subsidy programs, including medicaid, to reduce out-of-pocket costs.

The Hawaii state health insurance assistance program collaborates with county agencies on aging to conduct statewide outreach at health fairs, enrollment events, senior centers, and community organizations and through presentations to employers to promote the program's free, local, unbiased, and confidential services. Hawaii's state health insurance assistance program currently serves over eight thousand eight hundred individuals, approximately three per cent of Hawaii's medicare population. The Administration for Community Living, a division of the federal Department of Health and Human Services, considers eight per cent of the medicare population, or 23,191 individuals, as acceptable performance and justification for continued funding. Additional staffing resources are needed to meet this annual goal by fiscal year 2025.

The purpose of this Act is to:

- (1) Require the executive office on aging to submit annual progress reports to the legislature on the Hawaii state health insurance assistance program; and

- (2) Appropriate funds for the Hawaii state health insurance assistance program to establish program specialist positions within the executive office on aging to meet the growing aging population's increasing demand for accurate, timely, and reliable services.

SECTION 3. Chapter 349, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§349- The Hawaii state health insurance assistance program; annual report. The executive office on aging shall submit to the legislature a progress report on the Hawaii state health insurance assistance program no later than twenty days prior to the convening of each regular session. The report shall include but not be limited to:

- (1) The number of persons in the State's medicare population served by outreach programs;
- (2) The number of previously uninsured persons who received assistance with enrollment in medical or prescription drug coverage; and
- (3) The number of persons assisted by the Hawaii state health insurance assistance program with enrollment in low-income subsidy programs.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$186,288 or so much thereof as may be necessary for fiscal year 2023-2024 for the establishment of one full-time equivalent (1.0 FTE) program specialist III position, one full-time equivalent (1.0 FTE) program specialist IV position, and one full-time equivalent (1.0 FTE) program specialist V position within the executive office on aging for the Hawaii state health insurance assistance program.

The sum appropriated shall be expended by the executive office on aging for the purposes of this Act.

SECTION 5. New statutory material is underscored.³

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Notes

1. So in original.
2. Act 164.
3. Edited pursuant to HRS §23G-16.5.

ACT 253

H.B. NO. 870

A Bill for an Act Relating to the Neighbor Islands Blind and Visually Impaired Service Pilot Program.

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

SECTION 1. The legislature finds that thousands of Hawaii residents have visual disabilities that hamper daily living and may lead to isolation, limited productivity, loss of independence, and lack of social integration. The department of human services estimates that there are twelve thousand Hawaii residents who are blind or have a significant visual impairment, many of whom live on

Oahu where access to opportunities and services are better organized and readily available compared to the neighbor islands.

The legislature further finds that state and local support services for blind or visually impaired individuals, including training, adjustment to blindness services, and transportation services, are provided through economies of scale, and therefore tend to benefit residents in populated areas as compared to those in sparsely populated areas. As such, approximately two thousand neighbor island residents who are blind or visually impaired are left with the choice of either moving to Oahu or living without the opportunity to have full and integrated lives in their existing communities.

Accordingly, the legislature finds that there is a need for a supplemental service program that provides additional support services to blind and visually impaired individuals residing on neighbor islands.

The purpose of this Act is to:

- (1) Require the department of human services to:
 - (A) Establish a neighbor islands blind and visually impaired service pilot program that supplements existing statewide services by providing training and other services to neighbor island residents who are blind or visually impaired;
 - (B) Establish a neighbor islands blind and visually impaired service pilot program working group to develop a pilot program implementation plan and submit the plan to the legislature before the regular session of 2024; and
 - (C) Submit a report on the neighbor islands blind and visually impaired service pilot program to the legislature prior to the regular session of 2029; and
- (2) Appropriate funds for the establishment and operation of the neighbor islands blind and visually impaired service pilot program and working group.

SECTION 2. (a) The department shall establish a neighbor islands blind and visually impaired service pilot program to provide training and other services to blind and visually impaired individuals residing on the neighbor islands.

(b) The pilot program shall provide peer-to-peer outreach, sight loss adjustment, peer counseling support, and mobility training to program participants, including:

- (1) Outreach efforts to identify individual and program needs;
- (2) Coordination with existing programs to ensure that existing services are identified and used to the maximum extent possible;
- (3) Adjustment services, including individual and group counseling;
- (4) Access to and training for use of telecommunications services to receive current news, weather alerts, and other vital public information;
- (5) Awareness development and training for the use of computers, smart phones, and other communications devices;
- (6) Daily living, self-care, and home management skills;
- (7) Orientation and mobility training;
- (8) Advocacy training and assistance to secure needed benefits, services, and individual rights; and
- (9) Other services, including peer support needed for program participants to sustain independence and social integration.

The services provided by the pilot program pursuant to this subsection shall be provided by volunteers, who shall be recruited, assigned, and supervised by the department or an entity contracted by the department to organize and imple-

ment the pilot program. All volunteers shall have the necessary qualifications, be chosen based on experience and training, and use training methods consistent with the structured discovery approach used by the new visions program operated by the Ho‘opono services for the blind branch within the department’s division of vocational rehabilitation.

(c) The pilot program shall also provide program participants with special needs transportation assistance. The department shall work with neighbor island transportation service providers and other individuals and entities to develop a special needs transportation assistance service network to serve program participants.

(d) Applications for participation in the pilot program shall be submitted on a form furnished by the department. The department shall establish procedures and requirements for accepting program participants.

(e) The pilot program shall be authorized to extend and supplement the existing services provided by the Ho‘opono services for the blind branch.

(f) The department shall enter into a contract with a nonprofit organization to recruit, train, and supervise volunteer service corps members and oversee the pilot program; provided that existing department personnel may be assigned to fulfill administrative and fiscal responsibilities of the pilot program. Any contract entered into pursuant to this subsection shall be exempt from chapters 103D and 103F. Any nonprofit organization contracted under this subsection shall have:

- (1) The knowledge, experience, and qualifications necessary to provide peer support services to program participants;
- (2) A management team, consisting of officers and directors, of whom a majority are blind or visually impaired; and
- (3) Membership chapters or organization subunits located on the neighbor islands that will be served by the pilot program.

(g) The department shall establish a neighbor islands blind and visually impaired service pilot program working group composed of neighbor island residents who are blind or visually impaired to make recommendations regarding the establishment and implementation of the pilot program. The department, in collaboration with the working group, shall develop a written implementation plan that includes a pilot program performance period and program budget, and shall submit the plan, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024. The working group shall be exempt from the requirements of part I of chapter 92, Hawaii Revised Statutes.

(h) The department shall submit a report of its findings and recommendations pertaining to the neighbor islands blind and visually impaired service pilot program to the legislature no later than thirty days prior to the convening of the regular session of 2029. The report shall include:

- (1) A record of pilot program activities and accomplishments;
- (2) A recommendation on whether to extend the pilot program; and
- (3) Any proposed legislation.

(i) The department shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, and prescribe forms necessary to carry out the purposes of this Act.

(j) The pilot program shall begin no later than January 1, 2024, and shall cease to exist on July 30, 2029.

(k) For purposes of this section:

“Department” means the department of human services.

“Neighbor island” means a county with a population less than five hundred thousand.

“Pilot program” means the neighbor islands blind and visually impaired service pilot program established pursuant to this Act.

“Program participant” means a resident of a neighbor island whose mobility or ability to live independently is substantially limited due to loss of sight and who is participating in the neighbor islands blind and visually impaired service pilot program.

“Special needs transportation” means transportation provided to program participants at times or for trips when public transportation is not a reasonable option.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$93,000 or so much thereof as may be necessary for fiscal year 2023-2024 to fund the establishment and operation of the neighbor islands blind and visually impaired service pilot program and working group, including the contracting of services to coordinate the convening of the working group and implementation of the pilot program; provided that:

- (1) The department of human services shall include funding for the pilot program in its regular budget request submitted in 2024; and
- (2) Any funds appropriated pursuant to this section shall be in addition to and shall not supplant any portion of the base budget for any state or county agency providing services for blind or visually impaired persons.

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

SECTION 4. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$93,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,860,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 5. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, 2029.

(Approved July 7, 2023.)

Note

1. Act 164.

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 books and other instructional materials are needed in alternate accessible formats for use by elementary and secondary school students who are unable to use print as their primary learning media. The Individuals with Disabilities Education Improvement Act of 2004, P.L. 108-446, made important changes to the law, including the establishment of the National Instructional Materials Accessibility Standard and the National Instructional Materials Access Center, which serves as a central repository for files formatted in accordance with the National Instructional Materials Accessibility Standard and as a conduit for the distribution of those files to schools.

The legislature further finds that existing state law pertaining to instructional materials for exceptional children directs publishers to meet requirements that are now out of date and undesirable due to advances in technology. Thus, a revision is necessary to harmonize existing state law with the existing federal law and practice, including technological advancements that make more instructional materials available in appropriate accessible formats.

Accordingly, the purpose of this Act is to:

- (1) Provide for the timely availability of accessible instructional materials and technology for eligible students; and
- (2) Ensure that such materials are distributed to eligible students in accordance with the Individuals with Disabilities Education Act, as amended, and the Copyright Act of 1976, as amended.

SECTION 2. Section 302A-442.5, Hawaii Revised Statutes, is amended to read as follows:

“§302A-442.5 Instructional materials; exceptional children. (a) Whenever used in this section, unless a different meaning clearly appears from the context:

“Accessible format” has the same meaning as in section 121(d)(1) of the Copyright Act of 1976 (17 U.S.C. 121(d)(1)), as amended.

“Accessible instructional materials” means print instructional materials provided to eligible students in the accessible format most appropriate to the needs of each eligible student.

“Assistive technology device” has the same meaning as in section 602(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(1)), as amended.

“Assistive technology service” has the same meaning as in section 602(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(2)), as amended.

“Braille” means the system of reading and writing through touch commonly known as standard English braille.

“Eligible student” means an elementary or secondary school student who:

- (1) Is eligible for services under the Individuals with Disabilities Education Act, as amended;
- (2) Is approved as an eligible person, as defined in section 121(d)(3) of the Copyright Act of 1976 (17 U.S.C. 121(d)(3)), as amended; and
- (3) Attends a department school, a private school under chapter 302C, a public charter school under chapter 302D, or an approved alternative education program under section 302A-1132(a)(5).

“National Instructional Materials Access Center” means the center established pursuant to section 674(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1474(e)), as amended.

“National Instructional Materials Accessibility Standard” has the same meaning as in section 674(e)(3)(B) of the Individuals with Disabilities Education Act (20 U.S.C. 1474(e)(3)(B)), as amended.

“Print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction by students in the classroom, including:

- (1) Digital instructional materials obtained in an appropriate accessible format for an eligible student; or
- (2) Materials that can be provided by the National Instructional Materials Access Center in a valid National Instructional Materials Accessibility format.¹

“Technology mediated instruction” means learning that is aided or entirely accomplished through the use of computer-based technology.

(b) [All publishers of textbooks and instructional materials sold to the State or any public school shall furnish computer diskettes for literary subjects in the American Standard Code for Information Interchange from which braille versions can be produced. Publishers shall also furnish computer diskettes in American Standard Code for Information Interchange for nonliterary subjects including natural sciences, computer science, mathematics, and music when braille specialty code translation software is available.] In accordance with section 612(a)(23) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(23)), as amended, the State adopts the United States Secretary of Education’s National Instructional Materials Accessibility Standard as in effect on the effective date of Act , Session Laws of Hawaii 2023, and as may be subsequently revised. The department shall coordinate with the National Instructional Materials Access Center to obtain the benefits of this service.

(c) [This section shall not apply to publishers of textbooks and instructional materials written in the Hawaiian language.] The department, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, including digital materials, shall obtain instructional materials from the publisher or other source that are in, or can be rendered in, the appropriate accessible format for the eligible student using the instructional material; provided that:

- (1) If the needed instructional materials cannot be obtained in the eligible student’s appropriate accessible format, the department may enter into a written contract with the publisher of the print instructional materials to require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or
- (2) If the needed instructional materials cannot be obtained in the eligible student’s appropriate accessible format due to being new or innovative start-up instructional materials or a Hawaii-based publisher, the department may purchase materials as a pilot for up to one calendar year.

(d) The department shall obtain accessible instructional materials for eligible students attending any department school and, to the maximum extent allowed, assist any private school under chapter 302C, public charter school under chapter 302D, or eligible student enrolled in an approved alternative

education program pursuant to section 302A-1132(a)(5), to obtain instructional materials in accessible formats when the department receives a request from the school or program; provided that the department shall not be liable for the expense of any instructional materials obtained other than the expense for instructional materials obtained for eligible students attending department schools.

(e) Each eligible student shall receive accessible instructional materials without regard to whether the accessible instructional materials have been purchased in accordance with subsection (c). Eligible students shall receive accessible instructional materials at the same time the corresponding print instructional materials are provided to all other students in the classroom, including any assistive technology device and assistive technology service to be provided in advance and needed for the eligible student to use the accessible instructional materials.

(f) Technology shall be provided to each eligible student receiving technology mediated instruction, including any assistive technology device and assistive technology service needed for the technology to be accessible to and usable by the eligible student.

- (g) The individualized education program for an eligible student shall:
- (1) Contain information sufficient to document approval of the student as an eligible person, as defined in section 121(d)(3) of the Copyright Act of 1976 (17 U.S.C. 121(d)(3)), as amended;
 - (2) Identify:
 - (A) The print instructional materials to be used by the students without disabilities;
 - (B) All accessible formats of the instructional materials; and
 - (C) The services and instruction to be provided to convert the print instructional materials into accessible instructional materials and enable the eligible student to use the instructional materials in one or more accessible formats usable by the eligible student;
 - (3) Specify the supplementary aids and services the individualized education program reasonably anticipates the eligible student will need to receive for the duration of the individualized education program for reasonable access to classroom materials and media not identified in paragraph (2)(A);
 - (4) If the eligible student is blind and receiving instruction in braille or the use of braille, ensure that instructional materials are provided in braille and may be used by the eligible student in addition to other accessible formats available;
 - (5) List any assistive technology device and assistive technology service needed for the eligible student to use accessible instructional materials and technology mediated instruction, including timely and appropriate instruction to enable the eligible student to use the technology to access age-appropriate content independently;
 - (6) Ensure that any assistive technology device or assistive technology service used for accessible instructional materials is available for use by the eligible student in school, at home, and in other settings to the same extent that print instructional materials are available to other students; and
 - (7) Identify and provide technology to be used by an eligible student when receiving technology mediated instruction, including any assistive technology device and assistive technology service needed for the technology to be accessible to and usable by the eligible student.”

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 7, 2023.)

Note

1. Period should be underscored.

ACT 255

S.B. NO. 1378

A Bill for an Act Relating to Unlicensed Care Homes.

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

SECTION 1. The legislature finds that the department of health has conducted investigations on two hundred twenty-one alleged unlicensed care homes over the past forty-eight months and has closed eleven homes and assessed \$2,489,800 in administrative penalties. Investigations on eighty-nine unlicensed homes are underway or pending. Meanwhile, unlicensed care homes continue to operate and pose a danger to the public and to frail, elderly, and vulnerable populations. Licensed care operators and other persons continue to refer or transfer patients to care homes that, unbeknownst to patients, are unlicensed. This practice places patients at risk and better enforcement on the sources of these referrals must be put in place.

The legislature further finds that at least twenty-one unlicensed care homes have used the landlord exclusion to avoid the department of health's regulatory oversight, further placing patients at risk. By repealing the landlord exclusion, the department of health will have the ability to conduct an investigation to determine if unlicensed activity is occurring.

Accordingly, the purpose of this Act is to expand protections for vulnerable senior citizens, the public at large, and residents of care homes by ensuring compliance with licensure requirements by:

- (1) Clarifying that any person, corporation, or entity is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (2) Repealing the landlord exclusion.

SECTION 2. Section 321-487, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) It shall be unlawful for ~~[a certified or licensed healthcare provider or certified or licensed care facility]~~ any person, corporation, or entity to knowingly refer or transfer patients to an uncertified or unlicensed care facility. The department may impose a fine on any ~~[certified or licensed healthcare provider or certified or licensed care facility]~~ person, corporation, or entity that knowingly refers or transfers patients to a care home, agency, or facility operating without a certificate or license as required by law; provided that “knowingly” includes but is not limited to failing to determine whether the care home, agency, or facility has the required certificate or license; provided further that the fine shall be [nø] not more than:

- (1) \$500 for the first violation;
- (2) \$1,000 for the second violation; and
- (3) \$2,000 for the third and each succeeding violation.”

SECTION 3. Section 321-488, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 256

H.B. NO. 218

A Bill for an Act Relating to Prescription Drugs.

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

SECTION 1. The legislature finds that prescription drugs may not be dispensed unless the label of the container identifies the drug prescribed and provides other specific information that is considered essential for public health and safety. Nonetheless, individuals may often have difficulty reading the labels on the prescription drug containers due to age or disability, including persons with low vision or blindness. Difficulty in reading the labels on prescription drug containers may affect as many as sixty thousand residents in the State. The legislature further finds that certain technologies provide the prescription drug label information in alternate formats that are more accessible to persons who have difficulty seeing or reading standard printed labels on prescription drug containers.

Accordingly, the purpose of this Act is to:

- (1) Require certain pharmacies to:
 - (A) Provide accessible prescription drug label information to individuals who have difficulty seeing or reading standard printed labels on prescription drug containers; and
 - (B) Make sustained, periodic, and reasonable efforts to inform the public that prescription drug label information is available in alternate accessible formats for individuals who have difficulty seeing or reading standard printed labels on prescription drug containers; and
- (2) Require the board of pharmacy to adopt certain rules necessary for the purposes of this Act before December 31, 2024.

SECTION 2. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461- Pharmacies; prescription drug label information; accessibility.

(a) When dispensing a prescription drug to an individual who, as acknowledged by the individual, has difficulty seeing or reading standard printed labels on prescription drug containers, the dispensing pharmacy shall provide the individual with a means of access to obtain the prescription drug label information required pursuant to section 328-16(a) by:

- (1) Including an electronic label affixed to the prescription drug container that transmits prescription drug label information, directions,

and written instructions to an end-user's external accessible device, including an individual's compatible prescription drug reader; or

(2) Providing a prescription drug reader at no cost to the individual.

(b) Dispensing pharmacies shall make sustained, periodic, and reasonable efforts to inform the public that prescription drug label information is available in accessible formats for individuals who have difficulty seeing or reading standard printed labels on prescription drug containers.

(c) Dispensing pharmacies shall otherwise follow the best practices as recommended by the United States Access Board for pharmacies in providing independent access to prescription drug label information.

(d) This section shall not apply to a pharmacy that is a sole proprietorship with no more than two pharmacists; provided that the pharmacy has requested and been granted an exemption from the requirements of this section by the board; provided further that the exemption shall be subject to an annual review and approval that the board may grant on a case-by-case basis upon a finding that compliance with this section would result in an undue burden for the pharmacy, determined by the board in accordance with the Americans with Disabilities Act (42 U.S.C. 12182)."

SECTION 3. Section 461-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"End-user's external accessible device" means a commercially available computer, mobile phone, or other communications device that is able to receive electronic information transmitted from an external source and provide the electronic information in a form and format accessible to the individual.

"Prescription drug reader" means a dedicated electronic device that is able to obtain information from an electronic label affixed to a container of prescription drugs and provide the information in an audio format accessible to the individual."

SECTION 4. No later than December 31, 2024, the board of pharmacy shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, necessary to carry out the purposes of this Act. The rules adopted by the board of pharmacy shall:

- (1) Set forth rules in accordance with this Act applicable to hospital pharmacies and manufacturers of prescription drugs that provide their products directly to consumers; and
- (2) Allow the board of pharmacy to deny, revoke, or suspend a pharmacy license or impose a fine not to exceed \$1,000 per violation for failure to comply with the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.

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 Alzheimer's disease is a large and growing epidemic that has a huge impact in Hawaii. More than six million Americans are currently living with Alzheimer's disease, a figure expected to reach 12.7 million in 2050. In 2019, Alzheimer's disease was the sixth leading cause of death in the United States, with deaths from the disease having risen by one hundred forty-five per cent between 2000 and 2019.

The legislature further finds that the impact of Alzheimer's disease in Hawaii is projected to rise. According to data from the Alzheimer's Association, twenty-nine thousand people aged sixty-five and older are living with Alzheimer's disease, 6.7 per cent of people aged forty-five and older have subjective cognitive decline, and fifty-two thousand family caregivers bear the burden of caring for someone having Alzheimer's disease in Hawaii. In 2020, family members and friends of individuals living with Alzheimer's disease and other forms of dementia in the State provided eighty-three million hours of care at an economic value of nearly \$1,700,000,000.

The legislature additionally finds that one-third of recipients of home health care and adult day care have Alzheimer's disease. The average per-person medicaid spending for seniors with Alzheimer's disease and other forms of dementia is twenty-three times greater than the average per-person medicaid spending across all seniors without dementia. In total, caring for people having Alzheimer's disease generated an estimated medicaid cost of \$59,000,000,000 in 2021. Between 2020 and 2025, thirty states will see medicaid spending on people having Alzheimer's disease increase by at least twenty per cent, before adjusting for inflation. By 2050, medicaid spending on those people having Alzheimer's disease will total an estimated \$199,000,000,000, based on current dollars.

The purpose of this Act is to appropriate funds for the executive office on aging to create an Alzheimer's disease and related dementias public health campaign.

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 2023-2024 for the executive office on aging of the department of health to create and implement an Alzheimer's disease and related dementias public health campaign to educate the public on:

- (1) The early signs of cognitive impairment;
- (2) The value of early detection and diagnosis of cognitive impairment;
and
- (3) The importance of discussing with health care professionals any changes in memory and thinking.

The sum appropriated shall be expended by the executive office on aging for the purposes of this Act.

SECTION 3. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addi-

tion, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$1,000,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,064,767,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 4. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Note

1. Act 164.

ACT 258

H.B. NO. 306

A Bill for an Act Relating to Ornamental Ginger.

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

SECTION 1. The legislature finds that *Alpinia purpurata*, commonly known as ornamental ginger, is a popular plant that is commonly used in tropical landscape designs. The plant's red and pink floral brackets are often used as an ornamental flower in floral arrangements seen everywhere across the State, from Waikiki hotel lobbies to cemeteries. However, due to emerging diseases, commercial production of ornamental ginger in the State declined by forty-six per cent between 2014 and 2018; no statistics are available after 2018. Producers in the affected areas are clearing their lands, as they can no longer economically produce ornamental ginger. Neighboring farmers and off-island clientele are concerned about the spread of the disease pathogens and have asked the department of agriculture to quarantine the movement of plants from these areas.

The legislature further finds that flower producers have brought their concerns about emerging diseases to the department of agriculture, University of Hawaii college of tropical agriculture and human resources, East Oahu County Farm Bureau, and Hawaii Farm Bureau. In response, researchers and extension agents at the college of tropical agriculture and human resources conducted a statewide survey and causal agent identification study. The study determined that a combination of six viruses, including two viruses never before identified, is the cause of the ornamental ginger's decline, with other pathogens and ornamental ginger genetic variation as possible contributing factors. The viruses are found statewide but are most prevalent on Oahu and Hawaii island. Virus-infected plants cannot be cured, and virus-infected plants are currently the main plants being propagated for more plantings, thus worsening the problem. Most large-scale operations have virus-infected plants. Without additional research and a multi-agency approach, these pathogens could spread further and impact the profitability and long-term sustainability of the local ornamental and landscape production industries.

The legislature additionally finds that, according to the study conducted by the college of tropical agriculture and human resources, the most effective

solutions in the immediate term are to produce virus-free plants for the industry to begin propagating and to test methods of managing virus-infected plants that are currently being grown. Recommended tasks are to develop protocols for tissue culture of *Alpinia purpurata* and its cultivars, produce virus-free plants in collaboration with the Hawaii Agriculture Research Center for distribution to statewide stakeholders, develop cultural management strategies for managing virus-infected plants, and educate growers about those management strategies and the importance of virus-free plants.

The purpose of this Act is to appropriate funds to the University of Hawaii for statewide research and prevention of pathogens affecting ornamental ginger.

SECTION 2. 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 2023-2024 for statewide research into ornamental ginger pathogens, prevention of the spread of ornamental ginger pathogens, production and distribution of pathogen-free ornamental ginger plants, and outreach to ornamental ginger producers.

The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 3. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$125,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,892,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 4. This Act shall take effect on July 1, 2023.

(Approved July 7, 2023.)

Note

1. Act 164.

A Bill for an Act Relating to Minors.

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

SECTION 1. The legislature finds that adolescence can be a challenging time for young people. During this stage of life, adolescents are navigating new experiences while encountering potential changes in their social spheres,

including their relationships with peers and family members. Adolescents' romantic relationships can cause tension between family members, such as when parents do not want their child to date, advise their child against entering into a relationship with a particular person, or express disapproval of their child's dating relationship. It is not uncommon for some adolescents to keep private the details, in particular any problems or challenges, of their romantic relationships.

The legislature also finds that adolescents in abusive romantic relationships that were entered into without parental approval may be reluctant to approach their parents for assistance. Some adolescents have the option of seeking the help of another trusted adult who is not their parent, such as a school counselor or domestic violence victim advocate. This other person may be able to help obtain a protective order when it is necessary for the adolescent's safety and protection. However, not all adolescents have access to such a person.

The purpose of this Act is to allow minors sixteen years of age or older, on their own behalf, and emancipated minors to petition for domestic abuse protective orders.

SECTION 2. Section 586-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A petition for relief under this chapter may be made by:

- (1) Any family or household member on the member's own behalf or on behalf of a family or household member who is a minor or who is an incapacitated person as defined in section 560:5-102 or who is physically unable to go to the appropriate place to complete or file the petition; ~~or~~
- (2) Any state agency on behalf of a person who is a minor or who is an incapacitated person as defined in section 560:5-102 or a person who is physically unable to go to the appropriate place to complete or file the petition on behalf of that person~~[-];~~
- (3) Any minor sixteen years of age or older on their own behalf without the consent of a parent or legal guardian; or
- (4) Any minor deemed emancipated pursuant to section 577-25.”

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.

(Became law on July 11, 2023, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

ACT 260

H.B. NO. 161

A Bill for an Act Relating to Collective Bargaining.

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

SECTION 1. Section 89-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board shall be composed of three members of which ~~[(4)]~~ one member shall be representative of management, ~~[(2)]~~ one member shall be representative of labor, and ~~[(3)]~~ the third member, the chairperson, shall be representative of the public. All members shall be appointed for terms of six years each in accordance with the following procedures:

- (1) The representative of management shall be appointed by the governor, who may first consider any names submitted by the counties; provided that each county may submit no more than one name;
- (2) The representative of labor shall be a person who is appointed by the governor [from a list of three nominees submitted by mutual agreement from a majority of the exclusive representatives;] and whose name has been submitted to the governor to serve as the representative of labor by the exclusive representatives certified pursuant to section 89-8. The process to determine the nominee whose name is to be submitted to the governor shall be determined by a simple majority of the exclusive representatives certified pursuant to section 89-8. The governor shall transmit the name of the person nominated to serve as the representative of labor to the senate for advice and consent; and
- (3) The representative of the public shall be appointed by the governor.”

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.

(Became law on July 11, 2023, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

ACT 261

H.B. NO. 717

A Bill for an Act Relating to Nepotism.

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

SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

~~“§84-~~ **Nepotism; prohibition.** (a) No employee shall:

- (1) Appoint, hire, promote, or retain a relative or household member to, or demote, discharge, or terminate a relative or household member from; or
- (2) Participate in an interview or discussion regarding the appointment, hiring, promotion, or retention of a relative or household member to, or the demotion, discharge, or termination of a relative or household member from,

a paid position in the employee’s employing agency; provided that this subsection shall not prohibit an employee from performing ministerial acts that may impact the relative or household member if those acts are a part of the normal job functions of the employee.

(b) No employee shall supervise a relative or household member unless the employee:

- (1) Has a physical impairment requiring the employment of a particular relative or household member; provided that the employee discloses the prospective employment to the state ethics commission before the appointment or hire is made; or
- (2) Disqualifies oneself from taking any official action directly affecting the relative or household member.

(c) No employee shall award a contract to or otherwise take official action on a contract with a business if the employee knows or reasonably should know that the employee’s relative or household member is an executive officer of or holds a substantial ownership interest in that business.

(d) Notwithstanding the prohibitions in this section, if an employee who is a supervisor or executive director is unable to waive or disengage from completing their official duties or from taking official action and is legally required to take action that directly impacts a relative or household member receiving an award or other official action on a contract described in subsection (c), the employee shall not be in violation of this section if the employee:

- (1) Has complied with the disclosure requirements of section 84-17; and
- (2) Posts a notice of intent to award the contract and files a copy of the notice with the state ethics commission at least five days before awarding the contract. If the posting and filing of the award in advance is otherwise prohibited by law, notice shall be posted and filed as soon as practicable. Every notice of intent shall describe the employee's relationship with the relative or household member, the relative or household member's relationship with the entity receiving the contract, action taken and to be taken affecting the relative or household member's business, and the dollar value of the contract.

(e) Upon application, the state ethics commission may grant an exception to an employee or agency that is unable to comply with this section for good cause, including a demonstrated lack of qualified personnel or applicants.

(f) Any employee who knowingly violates this section shall be subject to the administrative fines set forth in section 84-39. Any favorable action obtained by a relative or household member of an employee in violation of this section shall be voidable in accordance with sections 84-16 and 84-19.

(g) This section shall not affect the applicability of section 84-13 or 84-14.

(h) This section shall not prohibit a state agency from appointing, hiring, promoting, retaining, demoting, discharging, or terminating a relative or household member of an employee employed by the agency.

(i) Notwithstanding sections 84-2 and 84-3, this section shall not apply to employees or agencies of the legislative or judicial branch of the State.

(j) For purposes of this section:

“Household member” means an individual who resides in the same dwelling unit as the employee.

“Relative” means the employee's parent, grandparent, stepparent, child, grandchild, stepchild, foster child, adopted child, sibling, half-sibling, stepsibling, parent's sibling, first cousin, sibling's child, spouse, spouse's parent, child-in-law, or sibling-in-law, or any individual who has become a member of the employee's immediate family through the Hawaiian hanai custom.”

SECTION 2. 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 3. New statutory material is underscored.¹

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

(Became law on July 11, 2023, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Bonds.

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

SECTION 1. Section 39B-2, Hawaii Revised Statutes, is amended to read as follows:

“§39B-2 Allocation of annual state ceiling. (a) The annual state ceiling shall be allocated for each calendar year in the following proportions:

- (1) An amount equal to fifty per cent of the annual state ceiling to the State;
- (2) An amount equal to 37.55 per cent of the annual state ceiling to the city and county of Honolulu;
- (3) An amount equal to 5.03 per cent of the annual state ceiling to the county of Hawaii;
- (4) An amount equal to 2.41 per cent of the annual state ceiling to the county of Kauai; and
- (5) An amount equal to 5.01 per cent of the annual state ceiling to the county of Maui.

(b) The department, with the approval of the governor, may assign all or any part of the allocation of the State to any issuer or any county for a specific calendar year or years. At the request of the department, any issuer or county to which any part of the State's allocation has been assigned shall return all or part of the assignment, in which case the department may provide for its reassignment.

(c) The department may request return of all or any part of the allocations of one or more counties made pursuant to subsection (a), and may assign and reassign the allocation to any other county or issuer for a specified calendar year or years.

(d) A county, by resolution of its governing body, or any issuer, by written certificate of ~~[such]~~ the issuer, may request additional allocations of the annual state ceiling from, or assign all or any part of its portion of the allocation of the annual state ceiling to, the State for a specified calendar year or years. Before requesting an additional allocation of the annual state ceiling for a specific calendar year or years under this subsection, a county shall have applied all of its allocation of the annual state ceiling for the specified calendar year or years as evidenced by a certificate of the issuer or the director of finance of a county, as applicable, under section 39B-3. If a county assigns all or any part of its private activity bond allocation for a specific calendar year or years to the State under this subsection, the assigned portion shall be applied to a project or projects located in the assigning county; provided that pursuant to a cooperative agreement with the department and Hawaii housing finance and development corporation under subsection (e), the private activity bond allocation may be awarded to projects located in other counties.

(e) In order to facilitate the construction of new rental housing projects, the department and Hawaii housing finance and development corporation may enter into a cooperative agreement with a county to coordinate the award of private activity bonds and low-income housing tax credits for new rental housing projects in the county. The agreement shall, except as provided under federal law, be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to the award of private activity bonds and low-income housing tax credits.”

SECTION 2. 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 and Hawaii housing finance and development corporation in writing by November 15 of each year as to the amount of allocation to ~~[such] the county [which] that~~ has not been applied to private activity bonds in ~~[such] the year~~ or assigned pursuant to this chapter.

In preparing ~~[such] the~~ report, the director of finance of the county shall deduct any allocation ~~[which] that~~ is unused or unassigned as of November 15 but will be applied to private activity bonds on or ~~[prior to] before~~ December 1 of ~~[such] the specified~~ 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] before~~ November 15 of each year that it intends to carry forward all or any portion of its allocation ~~[which] that~~ has not been applied to private activity bonds in ~~[such] the specified~~ year or assigned pursuant to this chapter, ~~[such] the~~ unused or unassigned allocation shall revert to the State on December 1 and the State shall be entitled to carry forward ~~[such] the~~ unused or unassigned allocation as permitted by federal law.”

SECTION 3. Act 182, Session Laws of Hawaii 2022, is amended by amending section 4 to read as follows:

~~“SECTION 4. [Unless requested by the governor and approved by the legislature, no]~~ 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] 2023~~, and before December 31, 2028.”

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, 2023.

(Became law on July 11, 2023, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

ACT 263

H.B. NO. 1359

A Bill for an Act Relating to Hemp.

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

PART I

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 more than fifty thousand recognized uses, including as a fuel; a food, including the seeds, oil, the juice from leaves, and herbal tinctures; and fiber used in supercapacitors, cloth, building materials, and bioplastic. Hemp has significant potential to provide a lucrative crop for Hawaii farmers and can support food security for the State. Many Hawaii farms subsidize food production with non-farming income or jobs. Hemp could provide a farm-based income for farmers to expand or stabilize their food production.

However, 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 Hawaii due to prohibitions banning farmers from making and selling these products in Hawaii. Moreover, overregulation of production and processing has driven many hemp farmers out of business in Hawaii, which makes Hawaii farmers non-competitive in the hemp market.

The legislature further finds that transparency in hemp product labeling is also needed. Given the number of “Buy Local”, “Buy Aloha”, and “Eat Local” campaigns that have been launched, Hawaii residents, when given the opportunity and transparent data, will often choose Hawaii-grown products.

The legislature also 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.

Accordingly, the purpose of this Act is to:

- (1) Repeal redundant regulations on hemp production, which would reduce costs for the State and Hawaii farmers;
- (2) Amend hemp law in a manner that recognizes the unique constraints of Hawaii farmers, while protecting human health;
- (3) Allow licensed hemp producers to sell hemp biomass;
- (4) Require transparency in labeling of hemp products to identify the percentage of Hawaii-grown hemp or hemp from outside the State in all hemp products;
- (5) Require and appropriate funds for the department of health to hire or consult a toxicologist or consultant familiar with hemp industry standards for the purpose of setting defined action limits or exposure levels for different types of hemp products;
- (6) Establish a Hawaii hemp task force to be jointly convened by the department of agriculture and the department of health to gather data and information to better understand hemp industry needs;
- (7) Require and appropriate funds for the department of agriculture to hire a hemp consultant to work with the Hawaii hemp task force and recommend infrastructure improvements on each island, considering the unique needs and geographic spread of licensed hemp farmers; and
- (8) Extend the State’s hemp processor law through July 1, 2027.

PART II

SECTION 2. Chapter 328G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§328G- Applicability.** This chapter, and any rules adopted by the department pursuant to this chapter, shall apply only to the processing of hemp biomass into crude extract or into a manufactured hemp product or processing crude extract into a manufactured hemp product or using a manufactured hemp product as an ingredient in the production of another manufactured hemp product, and to their sale and distribution, but shall not apply to other products that may be produced from hemp except as otherwise provided in section 328G-3.”

SECTION 3. Section 141-42, Hawaii Revised Statutes, is amended to read as follows:

~~“[§141-42]~~ **Commercial hemp production.** (a) It shall be legal for an individual or entity to produce hemp, as defined in title 7 United States Code section 1639o, if that individual or entity has a license to produce hemp, issued by the Secretary of the United States Department of Agriculture pursuant to title 7 United States Code section 1639q; provided that:

- ~~(1)~~ Any person convicted of a felony related to a controlled substance under state or federal law is prohibited from producing hemp, or being a key participant in an entity producing hemp, for a period of ten years following the date of conviction;
- ~~(2)~~ Hemp shall not be grown outside of a state agricultural district;
- ~~(3)~~ (1) Hemp shall not be grown within [500] three hundred feet of pre-existing real property comprising a playground, childcare facility, or school; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the [State] state industrial hemp pilot program [~~prior to~~] before August 27, 2020;
- ~~(4)~~ (2) Hemp shall not be grown within [500] one hundred feet of any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by the license holder; provided that this restriction shall not apply to an individual or entity licensed to grow hemp in those areas under the [State] state industrial hemp pilot program [~~prior to~~] before August 27, 2020; and
- ~~(5)~~ (3) Hemp shall not be grown in any house, dwelling unit, residential apartment, or other residential structure[;], unless that structure is part of a United States Department of Agriculture area.
- (b) An individual or entity licensed to produce hemp pursuant to ~~[paragraph]~~ subsection (a) may transport hemp within the State to a facility authorized by law to process hemp or to another licensed producer's grow area[;]; provided that[;]:
 - ~~(1)~~ The hemp to be transported has passed all compliance testing required by the United States Department of Agriculture; and
 - ~~(2)~~ The] the transportation has been [~~authorized by~~] reported to the department[;] of agriculture. The department of agriculture may require movement reports [~~inspections, sampling, and testing of~~] that include copies of the United States Department of Agriculture test results for the hemp to be transported and may deny authorization if the hemp is found to not comply with any law or regulation.
- ~~(c)~~ An individual or entity licensed to produce hemp pursuant to ~~paragraph (a)~~ may export hemp; provided that:
 - ~~(1)~~ The hemp to be exported has passed all compliance testing required by the United States Department of Agriculture; and
 - ~~(2)~~ The licensed producer complies with all laws relating to the exportation of hemp, including state and federal laws and the laws of the state or country of import.
- ~~(d)~~ (c) Any individual or entity who [~~violates this section or any rule adopted pursuant to this section~~] grows hemp without a United States Department of Agriculture license shall be fined not more than \$10,000 for each separate offense. Any notice of violation of this section may be accompanied by a cease and desist order, the violation of which constitutes a further violation of this section. Any action taken to collect the penalty provided for in this subsection shall be considered a civil action.

~~(e)~~ (d) For any judicial proceeding to recover an administrative penalty imposed by order or to enforce a cease and desist order against [a] an unlicensed hemp producer, the department may petition any court of appropriate jurisdiction and need only show that:

- (1) Notice was given;
- (2) A hearing was held or the time granted for requesting a hearing has expired without such a request;
- (3) The administrative penalty was imposed on the individual or entity producing hemp; and
- (4) The penalty remains unpaid or the individual or entity continues to produce hemp.

(e) An individual or entity licensed by the United States Department of Agriculture to produce hemp in Hawaii may sell hemp biomass.

(f) In addition to all other labeling requirements, the identity statement used for labeling or advertising hemp products shall identify the percentage of Hawaii-grown hemp in hemp products; provided that any hemp product containing hemp not grown or processed in Hawaii shall identify the origin and percentage of the hemp from outside Hawaii in the hemp product; provided further that if the hemp product contains hemp from multiple origins, the hemp product shall identify the percentage of hemp origin as “United States” or “Foreign” if the hemp product includes hemp from a source outside of the United States.

(g) A hemp producer licensed by the United States Department of Agriculture to grow hemp shall follow all inspection and sampling rules and protocols established by the United States Department of Agriculture. The State shall not require other inspections or sampling. The State shall not issue notices of violations or impose penalties upon any hemp producer licensed by the United States Department of Agriculture; provided that the licensee complies with all of the requirements imposed by the United States Department of Agriculture. The State shall impose no penalty with respect to the production of hemp, except penalties for growing hemp without a license issued by the United States Department of Agriculture.

(h) As used in this section, “hemp biomass” means the stalks of hemp plants.”

SECTION 4. Section 141-43, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of agriculture shall adopt rules pursuant to chapter 91 to effectuate the purpose of this part, including any rules necessary to address any nuisance issues, including smell, noise, and excessive lighting arising out of the activities of hemp growers licensed under the State’s industrial hemp pilot program who grow hemp within areas prohibited under section [141-42(a)(3) and (4).] 141-42(a)(1) and (2).”

SECTION 5. Section 328G-1, Hawaii Revised Statutes, is amended to read as follows:

“[§328G-1] Definitions. As used in this chapter:

“Applicant” means the person applying for a permit to [register] operate as a hemp processor under this chapter.

“Artificially derived cannabinoid” means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the plant genus cannabis. “Artificially derived cannabinoid” does not include:

- (1) A naturally occurring chemical substance that is separated from the plant genus cannabis by a chemical or mechanical extraction process; or
- (2) Cannabinoids that are produced by decarboxylation from naturally occurring cannabinoid acid without the use of a chemical catalyst.

“Cannabinoids” means any of the various naturally occurring, biologically active, chemical constituents of cannabis that bind to or interact with receptors of the endogenous cannabinoid system.

“Cannabis” means the genus of the flowering plant in the family Cannabaceae. For the purpose of this chapter, cannabis refers to any form of the plant where the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

~~["Certificate of registration" means the certificate issued by the department attesting that the applicant is registered to process hemp.]~~

“Decarboxylated” means the completion of the chemical reaction that converts naturally occurring cannabinoid acid into a cannabinoid, including delta-9 tetrahydrocannabinol’s acids (THCA) into delta-9-tetrahydrocannabinol. The decarboxylated value for delta-9-tetrahydrocannabinol may be calculated using a conversion formula that sums delta-9-tetrahydrocannabinol and eighty-seven and seven tenths (87.7) per cent of THCA.

~~["Delta-9 tetrahydrocannabinol" or "THC" means the primary psychoactive component of cannabis.]~~

“Department” means the department of health.

“Director” means the director of health.

“Dry weight basis” refers to a method of determining the percentage of a chemical in a substance after removing the moisture from the substance.

“Enclosed indoor facility” means a permanent, stationary structure with a solid floor, rigid exterior walls that encircle the entire structure on all sides, and a roof that protects the entire interior area from the elements of weather. Nothing in this definition shall be construed to relieve the ~~[registered]~~ permitted applicant from the applicant’s duty to comply with all applicable building codes and regulations.

“FDA” means the United States Food and Drug Administration.

“Hemp” means Cannabis sativa L. and any part of that plant, whether growing or not, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 per cent on a dry weight basis, as measured post-decarboxylation or by other similarly reliable methods.

“Hemp biomass” means the leaf and floral parts of hemp plant material.

“Hemp processor” means a person [processing] who processes hemp [to manufacture] biomass or prepares a manufactured hemp product.

~~["Hemp product" means a product that:~~

- ~~(1) Contains naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins or derivatives from processed hemp;~~
- ~~(2) Does not include any living hemp plants, viable seeds, leaf materials, or floral materials;~~
- ~~(3) Has a delta-9 tetrahydrocannabinol concentration of not more than 0.3 per cent, as measured post-decarboxylation, or other similarly reliable methods;~~
- ~~(4) Is intended to be consumed orally to supplement the human or animal diet; and~~
- ~~(5) Is in the form of a tablet, capsule, powder, softgel, gelcap, or liquid form (e.g. hemp oil) to be used by the consumer to infuse edible~~

items at home for personal use or for topical application to the skin or hair.

For purposes of this chapter, a hemp product shall be considered as intended for oral ingestion in liquid form only if it is formulated in a fluid carrier and it is intended for ingestion in daily quantities measured in drops or similar small units of measure per labeled directions for use.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a hemp product, but does not include planting, growing, harvesting, drying, curing, grading, or trimming a hemp plant or part of a hemp plant.]

“Manufactured hemp product” means a product created by processing, as defined in this chapter, that:

- (1) Is either:
 - (A) Intended to be consumed orally to supplement the human or animal diet in tablet, capsule, powder, softgel, gelcap, or liquid form (e.g., hemp oil); or
 - (B) In a form for topical application to the skin or hair;
- (2) Does not include any living hemp plants, viable seeds, leaf materials, or floral materials; and
- (3) Includes any other product specified by the department pursuant to section 328G-4(a)(7).

“Permit” means the certificate issued by the department attesting that the applicant is permitted to operate as a hemp processor.

“Person” means an individual, firm, corporation, partnership, association, or any form of business or legal entity.

“Processing” means [making]:

- (1) Making a transformative change to [the] hemp [plant] biomass following harvest by converting [an agricultural commodity] it into a crude extract or manufactured hemp product[-]; or
- (2) Compounding, blending, extracting, infusing, or otherwise producing a manufactured hemp product by:
 - (A) Completing the manufacturing process of transforming crude extract into a manufactured hemp product; or
 - (B) Using a manufactured hemp product as an ingredient in the production of another manufactured hemp product.

“Synthetic cannabinoid” means a cannabinoid that is:

- (1) Produced artificially, whether from chemicals or from recombinant biological agents including but not limited to yeast and algae; and
- (2) Not derived from the genus cannabis, including biosynthetic cannabinoids.

“Tetrahydrocannabinol” means the cannabinoids that functions as the primary psychoactive component of cannabis.”

SECTION 6. Section 328G-2, Hawaii Revised Statutes, is amended to read as follows:

“§328G-2 Hemp processor [registry] permit application; [removal from registry] permit revocation. (a) ~~[No person shall process hemp without first obtaining a license to produce hemp, issued by the Secretary of the United States Department of Agriculture pursuant to title 7 United States Code section 1639g-~~

~~(b)] No person shall process hemp biomass or prepare a manufactured hemp product without [being registered] obtaining a permit by the department as a hemp processor pursuant to this part and any rules adopted pursuant [to] this chapter.~~

~~[(e)]~~ (b) A person who intends to ~~[process]~~ operate as a hemp processor shall apply to the department for ~~[registration]~~ a permit on an application form created by the department.

~~[(d)]~~ (c) The applicant shall provide, at a minimum, the following information:

- (1) The applicant's name, mailing address, and phone number in Hawaii;
- (2) The legal description of the land on which the hemp processor is to ~~[be processed or stored;]~~ operate;
- (3) A description of the enclosed indoor facility where the hemp ~~[pro-~~ cessing] processor will ~~[occur;]~~ operate;
- (4) Documentation that ~~[the]~~:

(A) The hemp processor's indoor facility and planned hemp processing operation complies with all zoning ordinances, building codes, and fire codes; or

(B) The processing does not include heat or volatile compounds or gases under pressure, such as cold-water extraction, and is in an enclosed indoor facility that is:

(i) Exempt from building permit and building code requirements pursuant to section 46-88; or

(ii) In a food hub or agricultural park;

~~[(5)]~~ (5) Documentation showing that the applicant has obtained a license to produce hemp, issued by the Secretary of the United States Department of Agriculture pursuant to title 7 United States Code section 1639q; and

~~[(6)]~~ (6) Proof of no disqualifying felony convictions, which shall be established by an individual applicant or, if the applicant is a firm, corporation, partnership, association, or any form of business or legal entity, an individual acting on behalf of the entity by providing either:

(A) A valid United States Department of Agriculture hemp license that required fingerprinting and a federal background check; or

(B) Consent to a background check that includes but is not limited to fingerprinting and criminal history checks pursuant to section 846-2.7 and documentation of the authority of the individual to act on behalf of the applying entity; and

(6) Any other information required by the department.

~~[(e)]~~ (d) In addition to the application form, each applicant shall submit a non-refundable application fee established by the department. If the fee does not accompany the application, the application for ~~[registration]~~ the permit shall be deemed incomplete.

~~[(f)]~~ (e) Any incomplete application shall be denied.

~~[(g)]~~ (f) Upon the department's receipt of a complete and accurate application ~~[and],~~ confirmation that the applicant does not have a disqualifying conviction for a state or federal felony related to a controlled substance during the ten years prior to the date the application is submitted, remittal of the application fee, ~~[the applicant shall be registered and shall be issued a certificate of registration to process hemp.]~~ and contingent upon compliance with this chapter and any rules adopted pursuant to this chapter, the department may issue a permit to the applicant to operate as a hemp processor.

~~[(h)]~~ (g) The ~~[certificate of registration]~~ permit shall be renewed annually by submission of a renewal application and payment of the annual renewal fee to be determined by the department.

(h) Hemp processors shall allow any member of the department, or any agent or third party authorized by the department, to enter at reasonable times upon any private property in order to inspect, sample, and test ~~[the hemp processing area,]~~ any hemp biomass, crude extract, or manufactured hemp product, equipment, facilities incident to the processing or storage of ~~hemp[-]~~ biomass, crude extract, or manufactured hemp products, and review all pertinent records.

(i) The department may ~~[remove]~~ revoke any ~~[person from the registry]~~ person's permit for failure to comply with any law or regulation under this chapter. It is the responsibility of the hemp processor to make sure it ~~[is registered]~~ has a valid permit and is legally allowed to process hemp biomass or prepare a manufactured hemp product and in compliance with any and all laws and regulations. The ~~[removal]~~ revocation of a hemp ~~[processor from the registry]~~ processor's permit shall be in accordance with the procedures set forth in section 328G-6.”

SECTION 7. Section 328G-3, Hawaii Revised Statutes, is amended to read as follows:

“[§328G-3] Hemp biomass processing; manufactured hemp product sale and prohibitions; labeling. (a) No hemp biomass shall be processed into crude extract or manufactured hemp products, nor shall any hemp processor hold for processing or sale any ~~hemp[-]~~ biomass, unless lawfully obtained from a person approved or otherwise authorized by applicable federal, state or local law to cultivate hemp ~~[plants].~~

(b) Hemp biomass, crude extract, and manufactured hemp products shall be processed, packaged, labeled, and stored within an enclosed indoor facility secured to prevent unauthorized entry~~[- Hemp, hemp products, and any]~~ and in a manner that prevents cross-contamination and exposure to physical, chemical, and microbiological sources of contamination. Any toxic or otherwise hazardous by-products of ~~[hemp]~~ processing, or by-products, including but not limited to delta-9 tetrahydrocannabinol, shall be stored within an enclosed indoor facility, secured to prevent unauthorized entry and in a manner that prevents cross-contamination and unintended exposures.

(c) Hemp biomass shall not be processed into crude extract or a manufactured hemp product within [500] five hundred feet of a pre-existing playground, school, state park, state recreation area, residential neighborhood, hospital, or daycare facility.

(d) Hemp biomass, crude extract, and manufactured hemp product shall not be processed ~~[using butane in an open system where fumes are not contained or by use of any other]~~ by any method of processing the department ~~[determines poses a risk to health and safety.]~~ prohibits by rules adopted pursuant to this chapter.

(e) No person shall sell, hold, offer, or distribute for sale any food, as that term is defined in section 328-1, into which a cannabinoid, artificially derived cannabinoid, synthetic cannabinoid, hemp ~~[extract],~~ hemp ~~[derivatives]~~ biomass, or ~~[other]~~ manufactured hemp product that has been added as an ingredient or component~~[-]~~ unless otherwise prescribed by rules adopted by the department pursuant to this chapter. This section shall not apply to hemp that is generally recognized as safe (GRAS) by FDA for use in foods, as intended, in a public GRAS notification.

(f) No crude extract or manufactured hemp product shall be sold, offered for sale, or distributed or held for sale with a tetrahydrocannabinol concentration of more than 0.3 per cent unless otherwise prescribed by rules adopted by the department pursuant to this chapter.

~~[(f)] (g)~~ No person shall sell, hold, offer, or distribute for sale any crude extract or manufactured hemp product into which an artificially derived cannabinoid or a synthetic cannabinoid has been added.

~~[(g)] (h)~~ No person shall sell, hold, offer, or distribute for sale any cannabinoid [products], artificially derived cannabinoid, synthetic cannabinoid, or any other product containing hemp used to aerosolize for respiratory routes of delivery, such as an inhaler, [nebulizer] vape pen, or other device designed for such purpose.

~~[(h)~~ No person shall sell, hold, offer, or distribute for sale, any hemp leaf or hemp floral material that is intended to be smoked or inhaled, including but not limited to hemp cigars or hemp cigarettes.]

(i) Except for manufactured hemp products intended for external topical application to the skin or hair, no person shall sell, hold, offer, or distribute for sale any products containing a cannabinoid, artificially derived cannabinoid, synthetic cannabinoid, hemp [ø], hemp [derivatives] biomass, or manufactured hemp product as an ingredient that are intended to be introduced via non-oral routes of entry to the body, including but not limited to, use in eyes, ears, and nasal cavities[-], unless otherwise specified by the department pursuant to section 328G-4(a)(7).

(j) No person shall sell, hold, offer or distribute for sale[-] manufactured hemp products without a label, in a form prescribed by the department[-] in rules adopted pursuant to this chapter affixed to the [packaging that identifies the hemp product as having been tested pursuant to department rules.] package and includes and clearly identifies the percentage of Hawaii-grown hemp in hemp products in font large enough for consumers to easily read on the label on the physical product and not only online through a quick response code; provided that any hemp product not grown in Hawaii shall identify:

(1) The origin and percentage of the hemp from outside the State in the hemp product; or

(2) If there are multiple origins of the hemp in the hemp product, the percentage of hemp origin as “United States” or “foreign”, if including hemp from a source outside the United States.

(k) Crude extract shall be sold only to a hemp processor with a valid permit issued by the department, or to a person with equivalent authority from a regulatory agency in another jurisdiction, and shall be sold only with a label affixed to the package in a form prescribed by the department pursuant to rules adopted pursuant to this chapter. No person shall sell, hold, offer, or distribute for sale, crude extract directly to any consumer.

(l) Crude extract and manufactured hemp products shall comply with laboratory-based testing, as prescribed by the department, prior to sale.”

SECTION 8. Section 328G-4, Hawaii Revised Statutes, is amended to read as follows:

~~“[§328G-4]~~ **Rulemaking.** (a) The department shall adopt rules pursuant to chapter 91 that include but are not limited to:

(1) Inspection and sampling requirements of crude extract and manufactured hemp products;

(2) Establishing maximum allowable concentrations of cannabinoids in crude extract and manufactured hemp products;

~~[(2)]~~ (3) Testing protocols, including certification by state laboratories or independent third-party laboratories, to determine [delta-9-tetrahydrocannabinol] cannabinoid concentration, including but not limited to tetrahydrocannabinol, and screening for contaminants of crude extract and manufactured hemp products;

- ~~[(3)]~~ ~~Reporting and record-keeping]~~ (4) Recording-keeping requirements;
- ~~[(4)]~~ (4)¹ Assessment of fees for application, renewal application, inspecting, sampling, and other fees as deemed necessary;
- ~~[(5)]~~ (5)¹ Penalties for any violation; ~~and]~~
- (6)¹ At the discretion, and as specified by the department, the addition to the types of manufactured hemp products that may be sold pursuant to section 328G-3;
- (7)¹ Good manufacturing practices for hemp processors; and
- ~~[(6)]~~ (8)¹ Any other rules and procedures necessary to carry out this chapter.

(b) The department may adopt and amend interim rules, which shall be exempt from chapter 91 and chapter 201M, to effectuate the purposes of this chapter; provided that any interim rules shall only remain in effect until July 1, ~~[2025,]~~ 2027, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.”

SECTION 9. Section 328G-5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§328G-5]]~~ **Laboratory standards and testing; certification.** (a) The department shall establish and enforce standards for laboratory-based testing of ~~[the] crude extract and manufactured hemp products for content[-] and contamination[-, and consistency].~~

(b) The department may certify laboratories and recognize certifications from other jurisdictions of laboratories that are qualified to test crude extract and manufactured hemp products for quality control prior to sale.”

SECTION 10. Section 328G-6, Hawaii Revised Statutes, is amended by amending subsections (a) to (d) to read as follows:

“(a) Any person who violates this chapter or any rule adopted by the department pursuant to this chapter shall be fined not more than \$10,000 for each separate offense. Any action taken to collect the penalty provided for in this subsection shall be considered a civil action. In addition to any other administrative or judicial remedy provided by this chapter, or by rules adopted pursuant to this chapter, the director may impose by order the administrative penalty specified in this section[-] or revoke a permit pursuant to this chapter.

(b) Any order issued under this chapter shall become final, unless not later than twenty days after the notice of order is served, the person or persons named therein request in writing a hearing before the director. Any penalty imposed, including ~~[removal from the registry,]~~ the revocation of a permit, shall become final, and any monetary penalty shall become due and payable twenty days after the order is served unless the person or persons named therein request in writing a hearing before the director. Whenever a hearing is requested, the penalty imposed, including ~~[removal from the registry,]~~ permit revocation, shall become final, and any monetary penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. Any hearing shall be conducted in accordance with chapter 91.

(c) ~~[For]~~ In any judicial proceeding to [recover an administrative penalty] enforce an order issued by the department pursuant to this section, including but not limited to the recovery of administrative penalties imposed by order [or to enforce a cease and desist order] against a hemp processor [removed from the registry], the director may petition any court of appropriate jurisdiction for relief and need only show that:

- (1) Notice was given;

- (2) A hearing was held or the time granted for requesting a hearing has expired without such a request;
 - (3) The administrative penalty was imposed or the hemp [~~processor~~ processor's permit was [~~removed from the registry;~~ revoked; and
 - (4) The penalty remains unpaid or the hemp processor continues to [~~process hemp.~~] operate.
- (d) The director, in the event there is deemed a potential health hazard, may take precautionary measures to protect the public through imposition of an embargo, the detention and removal of hemp, hemp biomass, crude extract, or manufactured hemp products from the market, and the sequestration of hemp, hemp biomass, crude extract, or manufactured hemp products suspected to be contaminated or otherwise harmful to human health. In the event of any embargo or detention of hemp, hemp biomass, crude extract, or manufactured hemp products, the person or persons so named in the order imposing the embargo or detention shall be afforded an opportunity to contest the findings of the department in a hearing pursuant to chapter 91.”

SECTION 11. Section 328G-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Moneys in the Hawaii hemp processing special fund shall be used by the department for the following purposes:

- (1) To establish and regulate a system of [~~registering~~] permitting hemp processors[;] and the sale, holding, offering, or distributing for sale of crude extract and manufactured hemp products;
- (2) To fund positions and operating costs authorized by the legislature; and
- (3) For any other expenditure necessary, consistent with this chapter, to implement the Hawaii hemp processing program.”

SECTION 12. 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 2023-2024 for the hiring of a toxicologist or consultant familiar with hemp industry standards for the purposes of section 328G-5, Hawaii Revised Statutes, as amended by section 9 of this Act.

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

PART III

SECTION 13. (a) The department of agriculture and department of health shall jointly convene a Hawaii hemp task force to gather data and information to understand industry needs and inform strategies and actions that support agriculture and a robust hemp industry in the State.

(b) The task force shall:

- (1) Work with a third-party consultant to identify the infrastructure needs of Hawaii hemp farmers and the hemp industry, considering the unique needs and geographic spread of Hawaii's licensed hemp farmers and the various hemp sector needs;
- (2) Work with the narcotics enforcement division of the department of public safety or department of law enforcement, as applicable, to streamline and harmonize definitions and regulations relating to hemp; and
- (3) Develop an outline of farmer and industry needs and the strategies and actions that can help inform public policy concerning the

development of a hemp industry in the State that also supports rural agricultural development in the State.

(c) The task force may request data and information from additional sources, including but not limited to hemp economists, regulators in other states, retailers, farmers, and hemp industry groups outside Hawaii.

(d) The task force shall consist of hemp producers from each island proportionate to the total number of United States Department of Agriculture hemp licenses issued in the State and a representative from each of the fuel, building, general fiber, cannabinoid, and grain food sectors.

(e) The department of agriculture shall hire a third-party consultant to identify the infrastructure needs of Hawaii hemp farmers and the hemp industry, considering the unique needs and geographic spread of Hawaii's licensed hemp farmers and the various hemp sector needs. The consultant shall submit a report to the task force on or before July 1, 2024. The report shall include a concise outline of recommended infrastructure by island and schematics showing the various processing steps and infrastructure needed from harvest to product for various sectors with approximate costs per infrastructure component, sizing and capacity options, including mobile versus fixed and volume/mass per day, and approximate square footage required per component.

(f) The task force shall report 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.

(g) 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.

(h) No member of the task force shall be subject to chapter 84, Hawaii Revised Statutes, solely because of the member's participation in the task force.

(i) The task force shall be dissolved on August 30, 2024.

SECTION 14. 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 2023-2024 for the hiring of a third-party consultant to identify the infrastructure needs of Hawaii hemp farmers and the hemp industry on each island.

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

PART IV

SECTION 15. Act 14, Session Laws of Hawaii 2020, as amended by Act 137, Session Laws of Hawaii 2022, 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 July 1, [2025;] 2027; provided that the definition of “marijuana” in section 329-1, Hawaii Revised Statutes, and the definitions of “marijuana” and “marijuana 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 16. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,² will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition,

tion, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$100,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,867,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

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

SECTION 18. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 19. This Act shall take effect on July 1, 2023, and shall be repealed on July 1, 2027.

(Became law on July 11, 2023, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Notes

1. So in original.
2. Act 164.
3. Edited pursuant to HRS §23G-16.5.

COMMITTEE REPORTS ON BILLS ENACTED



TABLES SHOWING EFFECT OF ACTS



GENERAL INDEX

COMMITTEE REPORTS ON BILLS ENACTED

REGULAR SESSION OF 2023

<u>Bill No.</u>	<u>Act No.</u>	<u>Senate Committee Report No.</u>	<u>House Committee Report No.</u>	<u>Conference Committee Report No.</u>
HB0011	176	1770	248, 1049	40
HB0016	065	1768	490, 1085	
HB0024	138	1400, 1751	11, 770, 925	130
HB0028	066	1778	780, 807	192
HB0033	049	1779	937	191
HB0068	147	1257, 1880	69, 1190	134
HB0090	004	1167	80	
HB0091	120	1397	83	
HB0092	121	1764	70, 1191	
HB0093	005	1168	81	
HB0097	069	1162	84	
HB0099	006	1157	82	
HB0118	239	1398, 1731	803	
HB0130	007	1158	290	
HB0133	071	1305, 1804	528, 1220	118
HB0137	008	1159	289	
HB0138	020	1163, 1484	286	
HB0140	009	1160	287	
HB0141	123	1233	782	
HB0142	010	1161	288	
HB0161	260	1169, 1583	16, 476, 1016	63
HB0192	225	1152, 1816	409, 1041	12
HB0217	177	1280, 1749	384, 842	49
HB0218	256	1324, 1752	611, 1048	52
HB0264	140	1259	801	
HB0278	257	1266, 1736	725, 900	93
HB0300	164	1783	1222	190
HB0306	258	1327, 1504	517, 1112	116
HB0307	213	1150, 1602	43, 643, 849	117
HB0339	042	1323, 1840	63, 564, 954	75
HB0349	079	1234	65, 529, 955	69
HB0350	080	1395, 1584	203, 1090	
HB0353	074	1350, 1875	320, 891	149
HB0364	228	1148, 1585	802	
HB0365	229	1149, 1599	206, 931	
HB0369	178	1769	834	65
HB0382	070	1382, 1844 ¹	532, 1221	202
HB0388	254	1374, 1845	49, 878	158
HB0426	028	1209, 1760	790	
HB0451	133	1201, 1863	356, 868	95
HB0463	122	1236	785	44
HB0478	139	1385, 1866	144, 866	105
HB0485	179	1296, 1600	101, 389, 1096	
HB0494	060	1511	824	9
HB0503	174	1375, 1792	37, 481, 1109	86
HB0525	132	1365, 1728	226, 684, 996	
HB0541	144	1403, 1817	276, 841	14
HB0554	076	1369, 1756	129, 536, 893	148 ²
HB0579	083	1263, 1812	146, 534, 959	147
HB0580	084	1251, 1601	130, 535, 894	
HB0581	085	1292, 1730	512, 1088	

¹ See also Floor Amendment 6.

² See also Senate Floor Amendment 12 or House Floor Amendment 11.

<u>Bill No.</u>	<u>Act No.</u>	<u>Senate Committee Report No.</u>	<u>House Committee Report No.</u>	<u>Conference Committee Report No.</u>
HB0600	244	1273, 1874	48, 337, 926	145 ³
HB0615	219	1359, 1732	47, 644, 848	
HB0650	043	1414, 1805	100, 738, 1083	
HB0660	105	1294, 1873	224, 997	74
HB0674	099	1187, 1592	386, 971	78
HB0675	091	1188, 1788	441, 972	79
HB0677	092	1282, 1723	436, 973	142
HB0692	220	1241, 1808	591, 1067	17
HB0695	214	1330, 1753	605, 1044	18
HB0704	145	1267, 1748	279, 993	15
HB0710	137	1418, 1829	817	10
HB0712	125	1419, 1815	823	
HB0717	261	1179, 1503 ⁴	816	43
HB0777	088	1402, 1729	201, 1072	13
HB0781	180	1262, 1762	343, 793	50
HB0794	245	1427	600, 990	
HB0819	230	1276, 1821	599, 1070	
HB0823	022	1202, 1586	294, 1071	
HB0834	246	1316, 1587	89, 687, 846	
HB0841	027	1260, 1759	350, 1054	
HB0848	181	1232, 1593	318, 1094	107
HB0870	253	1325, 1791	349, 1118	138 ⁵
HB0884	106	1393, 1822	619, 844	11
HB0899	012	1143, 1481	707, 1082	
HB0907	107	1297, 1819	94, 774, 903	
HB0923	262	1283, 1485	439, 907	141
HB0933	247	1368, 1790	58, 766, 1169	108 ⁶
HB0948	089	1299, 1594	426, 1098	131
HB0950	153	1348, 1827	729, 992	53
HB0953	182	1214, 1738	649, 1208	140
HB0954	163	1780 ⁷	474, 1178	135
HB0960	175	1376, 1739	126, 888	120
HB0961	171	1377, 1789	67, 721, 928	76
HB0968	064	1341, 1868	90, 479, 867	133
HB0972	215	1244, 1608	550, 854	115
HB0977	044	1408, 1826	196, 760, 924	
HB0978	045	1409, 1872	242, 771, 1144	64
HB0980	154	1425	797	
HB0983	124	1229, 1823	798	
HB0986	130	1614	813	8
HB0992	093	1190, 1794	440, 908	77
HB1000	030	1181, 1719	365, 910	80
HB1001	031	1182, 1720	366, 911	81
HB1004	032	1185, 1710	369, 914	82
HB1006	033	1170, 1712	371, 916	83
HB1010	034	1174, 1716	375, 920	84
HB1018	035	1773	941	193
HB1020	036	1774	936	194
HB1022	037	1775	942	195
HB1027	183	1765	161, 1046	47
HB1033	184	1198, 1609	831	73
HB1036	185	1199, 1862	504, 1211	

³ See also Senate Floor Amendment 11 or House Floor Amendment 10.

⁴ See also Senate Floor Amendment 2.

⁵ See also Senate Floor Amendment 9 or House Floor Amendment 9.

⁶ See also Senate Floor Amendment 14 or House Floor Amendment 7.

⁷ See also Senate Floor Amendment 3.

<u>Bill No.</u>	<u>Act No.</u>	<u>Senate Committee Report No.</u>	<u>House Committee Report No.</u>	<u>Conference Committee Report No.</u>
HB1037	186	1254, 1796	141, 689, 1212	96
HB1045	168	1139, 1487	332, 930	51
HB1058	187	1208, 1754	786	
HB1079	233	1219, 1813	496, 1204	124
HB1081	251	1396, 1755	257, 690, 983	
HB1082	108	1421, 1853	262, 773, 1120	157
HB1091	231	1221, 1750	507, 1076	41
HB1097	162	1426	700, 1081	
HB1100	056	1237, 1506	944	
HB1101	234	1345, 1848	658, 1141	121
HB1104	240	1271, 1854	327, 980	
HB1107	026	1270, 1825	326, 1058	
HB1108	241	1269, 1852	329, 981	
HB1109	025	1399, 1806	328, 1057	
HB1113	148	1275, 1887	399, 1198	119
HB1134	232	1211, 1832	659, 1074	123
HB1183	072	1222, 1742	710, 1136	98
HB1184	188	1355, 1797	567, 1032	70
HB1200	237	1223, 1784	237, 541, 1005	109
HB1205	150	1255, 1807	569, 1033	
HB1255	073	1286, 1590	402, 986	94
HB1294	117	1615	826	45
HB1329	053	1379, 1726	38, 533, 882	85
HB1344	023	1610	598, 1061	
HB1359	263	1392, 1884	254, 749, 862	156
HB1363	048	1303, 1745	244, 622, 1145	132
HB1366	094	1315, 1858	457, 963	137 ⁸
HB1369	109	1142, 1734	420, 965	139
HB1382	054	1197, 1508	192, 745, 857	155
HB1397	095	1304, 1889	447, 978	144
HB1502	126	1616	829	46
HB1509	189	1772	626, 1043	48
HB1514	003	1137	777	
SB0001	002	651, 1079	1266	
SB0007	165	56, 715	1365, 1924	129
SB0009	013	3	1631	
SB0019	113	2	1620	35
SB0036	001	1	946	
SB0045	259	306, 694	1402, 1640	
SB0051	127	681	1387, 2151	33
SB0067	227	10, 1094	1241, 1794	174
SB0105	166	117, 696	1611	54
SB0109	160	723	1784	3
SB0110	161	833	1785	4
SB0141	114	683	1619	36
SB0151	190	255, 990	1393, 2102	72
SB0162	100	391, 753	1408, 1881	26
SB0179	014	680	1634	
SB0182	129	684	1385, 2152	68
SB0193	142	324, 970	1373, 1795	66
SB0203	118	207	1627	5
SB0210	157	21, 1118	1629	90
SB0211	046	342, 1084	1313, 1511, 2052	113
SB0214	191	233, 731	1628	20
SB0228	131	720	1621	1

⁸ See also Senate Floor Amendment 8 or House Floor Amendment 8.

<u>Bill No.</u>	<u>Act No.</u>	<u>Senate Committee Report No.</u>	<u>House Committee Report No.</u>	<u>Conference Committee Report No.</u>
SB0239	169	575, 1062	1254, 1569, 2095	197
SB0295	086	64, 655	1428, 2096	172
SB0313	015	510, 998	1344, 1789	
SB0318	192	480, 670	1523, 2071	199
SB0346	016	27, 729	1362, 1790	
SB0372	055	22, 728	1617	
SB0390	193	401, 752	1364, 1883	37
SB0404	110	61, 933	1484, 2097	176
SB0406	077	317, 852	1405, 1637	
SB0410	159	722	1381, 1866	55
SB0415	047	367, 793	1440, 1863	
SB0422	024	87, 710	1262, 2067	
SB0435	051	40, 1075	1312, 1506, 2056	200
SB0438	021	801	1382, 1915	
SB0473	101	402, 736	1429, 1884	28
SB0478	194	344, 855	1454, 1879	31
SB0483	158	686	1359, 2145	112
SB0487	017	677	1633	
SB0497	238	138, 851	1786	19
SB0531	061	140, 654	1367, 1927	169
SB0588	063	25, 940	1464, 2078	151
SB0599	102	390, 737	1304, 1529, 2089	170
SB0602	103	527, 751	2051	27
SB0671	111	456, 726	1624	
SB0674	112	487, 913	1306, 1527, 2086	179
SB0691	224	536, 1074	1421, 1890	25
SB0696	195	542, 1000	1245, 1528, 2057	103
SB0712	078	645, 1060	1330, 1919	89
SB0726	151	42, 927	1247, 2058	160
SB0729	149	821	1302, 1535, 2130	171
SB0731	011	107	1343, 1875	
SB0732	152	109, 918	1480, 1921	67
SB0739	196	717	1614	
SB0743	216	162, 920	1564, 1941	189
SB0746	211	247, 839	1418, 1949	21
SB0759	104	481, 922	1431, 2090	91
SB0764	096	180, 755	1319, 1534, 2142	100
SB0798	197	569, 866	1232, 1878	24
SB0799	198	827	1233, 1885	38
SB0811	136	369, 924	1374, 2109	127
SB0813	248	334, 925	1355, 2103	182
SB0821	067	124, 666	1391, 2104	163
SB0830	143	118, 885	1372, 1928	185
SB0833	218	96, 671	1315, 1510, 2135	198
SB0855	199	823	1377, 2081	153
SB0865	097	395, 1125	1481, 2131	180
SB0869	135	508, 1112	1630	
SB0894	087	205, 892	1487, 2139	126
SB0898	098	509, 704	1400, 2132	183
SB0900	252	411, 1127	1432, 2091	178
SB0911	155	721	1615	
SB0921 ⁹	029	612, 734	1383, 1872	
SB0930	200	824	1398, 1882	39
SB0933	075	805	1612	56

⁹ Vetoed bill overridden.

<u>Bill No.</u>	<u>Act No.</u>	<u>Senate Committee Report No.</u>	<u>House Committee Report No.</u>	<u>Conference Committee Report No.</u>
SB0941	172	97, 895	1470, 2140	164
SB0944	156	804	1524, 1869	57
SB0966	201	250, 849	1491, 1874	60
SB0968	202	328, 897	1521, 1935	125
SB0975	062	564, 1088	1303, 1572, 2087	196
SB0989	058	242, 848	1347, 1639	
SB1022	170	513, 960	1371, 1929	150
SB1024	226	469, 758	1519, 1936	167
SB1057	203	347, 796	1461, 1868	59
SB1064	134	383, 954	1316, 2119	181
SB1076	115	149, 1071	1386, 2148	159
SB1086	242	137, 860	1395, 1793	7
SB1141	146	337, 993	1559, 2114	184
SB1151	057	210, 1013	1494, 2085	71
SB1163	204	129, 1015	1331, 1920	161
SB1166	243	226, 1012	1337, 2105	87
SB1173	223	243, 859	1348, 1791	
SB1189	119	837	1623	6
SB1230	052	257, 1082	1575, 2154	128
SB1232	141	289, 1018	1466, 1930	111
SB1254	235	361, 1007	1317, 1509, 2116	110
SB1267	081	816	1613	
SB1268	068	253, 842	1413, 1861	
SB1277	039	336, 705	1392, 2149	201
SB1313	038	68, 355	1251, 2060	114
SB1314	040	69, 359	1972	
SB1315	041	338, 1033	1973	
SB1327	205	819	1384, 1917	165
SB1340	167	529, 784	1544, 1888	58
SB1344	173	287, 785	1468, 2084	29
SB1357	090	223, 1107	1397, 2133	92
SB1370	206	574, 698	1363, 2092	175
SB1372	018	478, 870	1635	
SB1373	249	566, 1053	1974	102
SB1378	255	479, 799	1407, 1889	23
SB1381	207	587, 841	1526, 1877	2
SB1383	208	70, 404	1444, 2061	104
SB1391	236	522, 1109	1239, 1508, 2066	99
SB1417	221	301, 1054	1476, 1876	186
SB1437	050	809	1501, 2082	88
SB1468	209	588, 858	1380, 1867	30
SB1493	128	688	1626	34
SB1502	210	278, 781	1538, 1948	101
SB1505	059	228, 857	1349, 1638	
SB1513	019	497, 1078	1632	
SB1527	082	428, 982	1339, 2107	162
SB1534	222	444, 1024	1227, 1543, 1955	177
SB1541	116	693	1622	
SB1552	217	254, 1027	1549, 1945	188
SB1588	212	525, 1030	1411, 2079	187
SB1592	250	315, 973	1345, 2100	173

TABLES SHOWING EFFECT OF ACTS

Thirty-Second State Legislature 2023 Regular Session

Key: Am = Amended _____ = Part or section number
 N = New to be assigned in
 R = Repealed HRS Supplement

A. SECTIONS OF HAWAII REVISED STATUTES (HRS) AFFECTED

HRS Section No.	Effect	Affected By Act No.	HRS Section No.	Effect	Affected By Act No.
Volume 1			84-____	N	261
1-____	N	246	84-17	Am	123
5-____	N	230			129
8-____	N	11	84-17.5	Am	9
8-____	N	12	87A-23	Am	40
8-____	N	152			41
8-____	N	245	87A-24	Am	38
9-2	Am	139	88-____	N	46
11-____	N	113	88-21	Am	46
11-____	N	115			173
11-____	N	117	88-21.5	Am	46
11-____	N	128	89-5	Am	260
11-10.5, 10.6	Am	14	89-8	Am	150
11-41	Am	13	92-3.7	Am	125
11-108	Am	7	92-4	Am	19
11-118.5	Am	115	92-9	Am	125
11-321	Am	122	97-____	N	10
11-322	Am	5	97-____	N	20
11-323	Am	5	97-2	Am	20
		127	97-3	Am	8
11-334	Am	119	97-4	Am	9
11-342	Am	4	97-5	Am	128
11-351	Am	6	97-7	Am	10
11-391, 393	Am	127			10
11-403	Am	118	102-2	Am	72
11-405	Am	69	103D-304	Am	188
		120	103F-202	R	44
11-410	Am	120	103F-404, 405	Am	45
		121	104-24, 25	Am	51
		114	107-22	Am	184
14-____	N	114	Volume 3		
14-21, 25, 27, 28	Am	114			
15-13.5	Am	113	124B-116, 171	Am	17
15D-10.5	Am	113	128A-____	N	185
19-3	Am	116	128A-12, 13	Am	186
23-14	Am	48	132-16	Am	142
23-78	Am	109	134-____ (4 secs, pt _)	N	28
26-5	Am	151	134-____ (7 secs)	N	52
27-____	N	202	134-1, 2, 3, 4, 7, 9, 13,	Am	52
27-61 to 64, pt IX	R	87	17, 18		
28-____ (2 secs, pt _)	N	83	139-____ (2 secs)	N	190
28-161 to 168, pt XII	R	62	139-6	Am	190
36-27, 30	Am	109	141-15	Am	17
		110	141-42, 43, pt III	Am	263
39B-2, 4	Am	262	141D-2	Am	68
40-81.5	Am	48	142-3.6	Am	215
Volume 2			142-61	Am	214
			144-2, 4	Am	17
46-____	N	239	145D-2	Am	54
46-1.5	Am	234	149A-41	Am	220
46-13.1	Am	195	166-11	Am	213
46-15.1	Am	90	166E-2	Am	68
46-16.8	Am	48	171-6.4	Am	236
76-16	Am	42	179D-____	N	134
		186	196-____ (3 secs, pt _)	N	225

HRS Section No.	Effect	Affected By Act No.	HRS Section No.	Effect	Affected By Act No.
196-81, 83 to 86, 88	Am	224	302A-1701	Am	175
199- _____	N	237	302A-1702	Am	61
200- _____	N	227	302A-1703	Am	172
200-24, 39	Am	232			175
Volume 4			302A-1704	Am	61
			302A-1706	Am	175
			302L- _____	N	170
201H- _____	N	91	302L-1.6	Am	170
201H-47	Am	92	302L-7	Am	171
205-4.6	Am	219	304A-120	Am	76
205A-22	Am	229	304A-506	Am	57
206E- _____ (14 secs, pt _)	N	97	312-2.1, 4.6	Am	141
206E-33, 194	Am	221	Volume 6		
206R-1	Am	194	321-342	Am	160
225P- _____	N	226	321-486.3	R	251
235- _____	N	50	321-487	Am	255
235-2.3, 2.4, 2.5	Am	56	321-488	R	255
235-55.6, 55.75, 55.85	Am	163	323F-5.5	Am	88
236E-3	Am	56	327-38	Am	17
237-8.6	Am	48	327L-1, 2, 9, 11, 19	Am	43
237-24.7	Am	109	328-19.1	Am	17
238-2.6	Am	48	328-106	R	207
245- _____	N	62	C 328G	Am	263
245-1, 2, 2.5, 3	Am	62	328G- _____	N	263
245-17	R	62	329-1	Am	111
248-2.7	Am	48			263
248-9	Am	148	329-14, 20, 22	Am	162
249- _____	N	222	329-121	Am	108
249-31	Am	222	329D-1, 6, 7, 10 to 12, 15, 16, 21, 26	Am	108
Volume 5			334-121.5, 124, 126, 127, 130, 131, 133	Am	153
266- _____	N	59	338- _____	N	179
269-1, 6.5	Am	205	341-6	Am	24
269-19	Am	178	342D-1, 6, 6.5, 9, 30, 50, 53	Am	233
271-4, 26.5	Am	205	342H-37, 39	Am	201
271G-5, 7.5, 8	Am	205	342L-30	Am	17
271G-14	Am	178	Volume 7		
271G-17.5	Am	138	346- _____ (5 secs, pt _)	N	87
271G-19	Am	205	346- _____	N	169
279L- _____	N	210	346-2.5	Am	88
279L-1	Am	17	346-7.5	Am	17
281-31, 39	Am	65	346-59.1	Am	107
286-5	Am	242	346-181	Am	171
286-26	Am	144	346-183	Am	169
		222	346-184	Am	169
286-41	Am	145			171
		222	346D-4.5	Am	109
286-52	Am	60	C 346E	R	109
286-107	Am	243	C 346F	Am	109
286-240, 241, 249	Am	25	346F-2, 4 to 6, 9, 10, 13	Am	109
291- _____	N	223	C 346G	Am	110
291-35	Am	26	346G-2 to 7, 9, 10, 12	Am	110
291-37	Am	241	348-8	Am	15
291-39	Am	240	349- _____	N	252
291C- _____	N	238	349-5.5	Am	249
291C- _____	N	244	349-16	Am	18
291C-3	Am	244	350-1.1	Am	80
291C-26	Am	16	352D-11	Am	135
291C-32	Am	17	353-40	Am	22
291C-111	Am	239	356D- _____	N	98
291E-8, 61, 61.5, 62	Am	148	356D-11.5	Am	194
302A-442.5	Am	254			
302A-708, 853, 854	Am	173			
302A-1145	Am	168			
302A-1151.1	Am	165			
302A-1603	Am	97			

HRS Section No.	Effect	Affected By Act No.	HRS Section No.	Effect	Affected By Act No.
356D-31, 42	Am	99	604		
378-___	N	203	490:4A-103, 201 to 203, 207, 208, 210, 211, 305	Am	132
378-2.3	Am	203			
378-2.5	Am	88			
383-___ (2 secs)	N	208	490:5-104, 116	Am	132
383-129	Am	208	490:7-102, 106	Am	132
386-181	Am	195	490:8-102, 103, 106, 110, 303	Am	132
388-___	N	47	490:9-___ (7 secs)	N	132
388-1	Am	47	490:9-102, 104, 105, 203, 204, 207 to 210, 301, 304, 305, 310, 312 to 314, 316, 317, 323, 324, 330 to 332, 334, 341, 404, 406, 408, 509, 513, 601, 605, 608, 611, 613 to 616, 619 to 621, 624, 628	Am	132
Volume 8					
412:5-305	Am	96			
421J-16	Am	17			
Volume 9					
431:10A-116.3	Am	107			
431:10C-801 to 807, pt VIII	Am	210			
432:1-601.5	Am	107			
432D-23.5	Am	107			
Volume 10			Volume 12		
436B-9	Am	21	501-151	Am	236
C 440J	R	194	508D-15	Am	231
442-9	Am	2	514B-113	Am	17
447-1.5	Am	100	514B-141	Am	29
448-9, 9.6, 12	Am	100	514B-148	Am	199
453-___	N	106	514E-9	Am	176
453-1.3	Am	107	514E-10	Am	197
453-5.5	Am	102			
453-8, 8.6, 16	Am	2	514E-10.5	Am	176
453-34	Am	193	521-___	N	200
455-11	Am	2	523A-26	Am	36
457-8.7, 12, 12.5	Am	2	560:1-201, 401, 403	Am	158
457-13	Am	173	C 560, Art II, pt 1, subpt A (heading)	N	158
461-___	N	101	560:2-___ (8 secs, pt 1, subpt _)	N	158
461-___	N	103	560:2-___ (2 secs)	N	158
461-___	N	256	560:2-102 to 104, 106, 107	Am	158
461-1	Am	103	560:2-108	R	158
		256	560:2-113, 114, 202, 203, 205, 209, 212, 302, 402, 403, 405, 514, 603, 606, 608, 704, 706, 707, 804	Am	158
461-21.5	Am	2	560:3-___ (12 secs, pt _)	N	158
464-___	N	209	560:3-108, 203, 301, 303, 406, 605, 703, 720, 801, 803, 806, 915	Am	158
464-13	Am	177	560:3-916	R	158
465D-7	Am	167	560:4-205	Am	158
466D-1, 4	Am	102	571-___	N	180
467-4	Am	149	571-11	Am	79
Volume 11			571-46.3	Am	77
481-9.5	Am	194	571-46.4	Am	85
486-120.6	Am	211	571-61	Am	160
489D-4	Am	183	572-11, 12	Am	206
489D-5, 6, 7, 8, 12, 18, 22.5	Am	183	572-13	Am	179
490: ___ -101 to 107 (Art _)	N	132	577-25	Am	79
490: ___ -101 to 401 (Art _, pts 1 to 4)	N	132	577A-1	Am	2
490:1-201, 204, 301, 306	Am	132	578-___	N	161
490:2-102, 106, 201 to 203, 205, 209	Am	132	578-1	Am	160
490:2A-102, 103, 107, 201 to 203, 205, 208	Am	132			161
490:3-104, 105, 401,	Am	132	578-2, 14.5, 15	Am	160

SLH No.	Effect	Affected By Act No.	SLH No.	Effect	Affected By Act No.
Act 210	Am	171	Act 236	Am	35
Act 216	Am	148	Act 248	Am	35
Laws 2022					37
Act 30	Am	52			93
Act 56	Am	210			164
Act 94	Am	148	Act 250	Am	17
Act 115	Am	35	Act 257	Am	175
Act 125	Am	133	Act 296	Am	35
Act 137	Am	263			
Act 182	Am	262			

GENERAL INDEX
2023 Regular Session

ACT

ABUSE

Family or household member, *see* **DOMESTIC ABUSE**

ACCOUNTING AND GENERAL SERVICES

Bicycle storage lockers pilot project; public employees	202
Elections, <i>see</i> ELECTIONS	
Parking stall sharing; public employees	202
State building code council; members	184

ACTIONS

Claims against the State	39
Condominium developers; statute of repose	29
Firearms industry; lawsuits	28
Right of action against developers; time period	29

ADVERTISING

Coffee; Hawaii grown and processed or foreign-grown disclosure	211
Elections; disclosure of information; fines for violations	127
Equal pay; protected classes	203
Job listings; pay rate or salary range disclosures	203
Kaneohe Bay; commercial ocean use activities	232
Labeling of coffee; disclosure of coffee's origins	211
Pay disclosures; hourly rate or salary range on job listings	203

AGED PERSONS

Alzheimer's disease and related dementias public health campaign; appropriation	257
Caregivers; services for caregivers	18
Care homes, uncertified or unlicensed penalties	251
transfer of patients	255
Grandparents' visitation	77
Health insurance assistance program	252
Kupuna care services	18
Prescription drug container labels; difficulty seeing or reading standard labels	256
Rent supplement program for kupuna	98
Senior medicare patrol program; staff positions	250

AGRICULTURE

Agricultural enterprise lands; defined	68
Agricultural parks; lease extensions	213
Animal industry special fund; source of moneys	215
Coffee; labeling or advertising requirements	211
GroupGAP food safety training and certification program; appropriation	212
Hemp production and products; task force; report; appropriation	263
Lease extensions; agricultural parks	213
Meat processing task force; reports; appropriation	54
Non-agricultural park lands; defined	68
Pesticide subsidy program; program manager position; appropriation; sunset extended	216
Private agreements; prohibition on agricultural uses and activities	219
Wahiawa irrigation system; purchase of system	218

AIRPORTS AND AIRCRAFT

Parking; peer-to-peer car-sharing	210
---	-----

Unmanned aircraft systems (“drones”) conservation and resources enforcement program.....	237
trespassing	58

ALCOHOLIC BEVERAGES

see INTOXICATING LIQUORS

ANIMALS

Meat donation; axis deer; wild game	54
---	----

APPROPRIATIONS

Agriculture	
food safety training and certification program	212
meat processing task force.....	54
pesticide subsidy program.....	216
Bonds, <i>see BONDS</i>	
Budget	
general appropriations act of 2023 (state budget)	164
judiciary appropriations act of 2023	70
office of Hawaiian affairs appropriations act of 2023	71
Business, economic development, and tourism; Hawaii Pacific hydrogen hub	66
Charter school commission; emergency response team; critical emergency response pilot program	143
Claims against the State	39
Community development authority; ninety-nine year leasehold program; site and predevelopment planning; staff positions.....	97
Corrections and rehabilitation	
criminal pretrial justice data reporting and collection system; staff position..	147
visitation and family resource center at Waiawa correctional facility pilot	133
Defense; civil air patrol; civilian auxiliary aviation services	204
Delay encumbrance and expenditure of general fund appropriations.....	35
Education; emergency response team; critical emergency response pilot program	143
Elections office; digital voter information guide	115
Executive; general appropriations act of 2023	164
Executive office on aging	
Alzheimer’s disease and related dementias public health campaign; appropriation	257
health insurance assistance program; staff positions.....	252
senior medicare patrol program; staff positions	250
Funds, <i>see FUNDS</i>	
Grants, <i>see GRANTS</i>	
Hawaiian affairs; appropriations act of 2023.....	71
Hawaii retirement savings special fund; encumbrance and expenditure delay	35
Health	
child and adolescent crisis mobile outreach team pilot program	89
fetal alcohol spectrum disorders; diagnosis and treatment pilot program.....	192
Human resources development; staff position; workers’ compensation for Hawaii state public library system employees	146
Human services	
child care accreditation program	169
emergency appropriation; funding adjustment.....	37
hospital sustainability program.....	110
neighbor islands blind and visually impaired service pilot program	253
nursing facility sustainability program	109
return-to-home pilot program.....	94
visitation and family resource center at Waiawa correctional facility pilot	133
Judiciary	
appropriations act of 2023	70

court interpreters; annual adjustments of fees study	248
criminal justice research institute; criminal pretrial justice data reporting and collection system; staff positions and costs.....	147
Land and natural resources	
ant lab; control of little fire ants.....	217
dam and appurtenance improvement or removal grant program; seed funding; staff positions	134
hemp task force.....	263
outdoor recreational and commercial activities; online application development.....	182
unmanned aircraft systems (“drones”) program.....	237
Law enforcement	
address confidentiality program; staff positions.....	82
illegal fireworks task force.....	67
Legislature; legislative branch expenses	3
Pension accumulation fund; encumbrance and expenditure delay	35
Public employees’ collective bargaining agreements units	
1 and 10; excluded employees.....	30
2, 3, 4, 6, 8, 9, 13, and 14; excluded employees.....	31
5; excluded employees.....	32
7; excluded employees.....	33
11; excluded employees.....	34
Public housing authority; rent supplement program for kupuna	98
Public safety	
criminal pretrial justice data reporting and collection system; staff position..	147
emergency appropriation; funding adjustment.....	37
visitation and family resource center at Waiawa correctional facility pilot	133
Public utilities commission; telecommunications services access for individuals with print disabilities	247
Rental housing revolving fund; encumbrance and expenditure delay.....	35
School facilities authority	
prekindergarten facilities and increase of student capacity	175
teacher and staff housing development	172
Special purpose revenue bonds, <i>see BONDS</i>	
Stadium development special fund; encumbrance and expenditure delay	35
State budget (general appropriations act of 2023)	164
State council on developmental disabilities; fetal alcohol spectrum disorders; public awareness campaign	192
Taxation; software and computer systems upgrade	66
Transportation	
drug and alcohol toxicology testing laboratory	148
emergency appropriation; funding adjustment.....	37
mileage-based road usage charge implementation.....	222
noise detection traffic cameras pilot program.....	63
safe routes to school program	244
University of Hawaii	
certified nurse aide to practical nurse bridge program	74
ginger plants; pathogen prevention	258
Hawaii institute of marine biology; staff positions	181
Pamantasan Council; staff positions.....	64
sexual misconduct primary prevention and awareness programming; staff positions	76

ARBITRATION AND MEDIATION

Alternative dispute resolution; condominium property regime task force.....	189
---	-----

ARMED FORCES

see MILITARY

ARTS

see CULTURE AND THE ARTS

ATTORNEY GENERAL

Assisted community treatment; assistance with petition; period of treatment	153
Electronic smoking device retailer registration unit; sections repealed.....	62
Firearms; licenses to carry; report	52
Human trafficking prevention program; reports.....	83
Parentage laws task force; reports.....	156

ATTORNEYS

Children; interrogations by law enforcement (“James’s Act”).....	180
Interrogations of children; right to consultation with legal counsel.....	180

AUDITOR

Appropriation	3
---------------------	---

BEACHES

Coastal zone management; special management areas	229
Commercial activities; presetting equipment	227
Erosion control structures; disclosures by real property sellers	231
Presetting beach equipment; fines for violations	227

BICYCLES

Paths; use of county surcharge on state tax revenue	48
Special management areas; installation, maintenance, repair, and replacement of facilities without permit review.....	229
Storage lockers pilot project; public employees.....	202

BOARDS AND COMMISSIONS

Boards and commissions generally	
public meetings; recordings available on website	125
Campaign spending commission	
administrative fines; amount to pay; use of personal funds.....	121
complaints; failure to explain or respond to.....	118
contested case hearings; request time limit; failure to request hearing.....	120
failure to file or correct organizational reports; names published online	5
preliminary determination; service by mail to respondent.....	69
Charter school commission; critical emergency response pilot program	143
Chiropractic board; licenses; abortion procurement	2
Clean ground transportation working group	226
Condominium property regime task force	189
Criminal justice data sharing working group	157
Dentistry board; community service and temporary licenses	100
Early learning board; nominee’s qualifications; member’s term	170
Elections accessibility needs advisory committees	14
Employer-union health benefits trust fund board; powers and duties; salaries of administrator and chief investment officer	38
Environmental advisory council	24
Executive meetings; public reporting of discussions or final actions.....	19
Fire council; members	142
Hemp task force	263
Illegal fireworks task force.....	67
Interisland clean transportation working group	226
Malama ohana working group; child welfare system	86
Meat processing task force; reports; appropriation.....	54

Medical board	
emergency medical technician and paramedic licensure; sunset repealed	193
exemption from licensure; traveling team physicians	106
interstate medical licensure compact; multiple-state licensure	112
licenses; abortion procurement	2
Naturopathic medicine board; licenses; abortion procurement	2
Neighbor islands blind and visually impaired service pilot program	
working group	253
Nursing board; licenses; abortion procurement	2
Parentage laws task force	156
Pharmacy board	
licenses; abortion procurement	2
prescription drug container labels; accessibility of information	256
Planned community association oversight task force	189
Public meetings; recordings available on website	125
Public utilities commission, <i>see PUBLIC UTILITIES</i>	
Real estate commission; curriculum development for leadership training	
for condominium association board members	149
Registration boards; elections	13
Safe routes to school advisory committee	244
School facilities authority	
clarification of certain references	165
executive director; appointment by the board	61
housing development for teachers and staff	172
prekindergarten facilities and student capacity	175
teacher and staff housing development	172
State building code council; members	184
State council on developmental disabilities; fetal alcohol spectrum disorders;	
public awareness campaign	192
State foundation on culture and the arts commission; members	139
State highway safety and modernization council	242
State rehabilitation council; members	15
Trauma-informed care task force; sunset extended	87
Twenty-first century data governance task force; demographic data	
collection, processing, retention, and sharing procedures	136
Youth commission; majority for quorum	135
BOATS AND BOATING	
Leases; vessel and leverage	138
Unlawful activities by vessel or crew; port entry or departure	59
BONDS	
General obligation bonds; authorization	49
Private activity bonds; annual state ceiling allocation; additional	
allocation request by counties	262
Special purpose revenue bonds	
Hawaii Pacific Health; Straub Medical Center	105
West Maui Hospital Foundation, Inc.; West Maui Hospital	
and Medical Center	73
BUDGET AND FINANCE	
Debt limit declaration and bond authorization	49
Unclaimed property program; trust fund; fiscal year carryover	36
BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM	
Agribusiness development corporation; Wahiawa irrigation system;	
purchase of system	218
Hawaii community development authority,	
<i>see COMMUNITY DEVELOPMENT AUTHORITY</i>	

Hawaii housing finance and development corporation, <i>see HOUSING FINANCE AND DEVELOPMENT CORPORATION</i>	
Hydrogen hub development; appropriation	66
Planning and sustainable development office	
environmental advisory council	24
zero emissions transportation; plan development and goals.....	226
State energy office	
efficiency standards; regulation and enforcement; spas, fans, toilets, and water coolers	224
zero emissions transportation; plan development and goals.....	226
CHARITIES AND DONATIONS	
Motor vehicles; donation to charity; transfer of title or interest.....	60
CHILDREN	
Abuse or neglect	
reports by clergy members.....	80
report to human services department	27
Active shooter training program; public and charter school students	53
Adopted children; probate code	158
Adoption; effect on Hawaiian homestead leases and applications	187
Autistic students; reimbursement for services	166
Child care accreditation program	169
Child custody evaluators	85
Clergy members; reports of child abuse or neglect.....	80
Crisis mobile outreach team pilot program.....	89
Emancipation of minors	
certificate of release for transfer to another school	168
rights.....	79
Fetal Alcohol Spectrum Disorder Awareness Month	12
Fetal alcohol spectrum disorders; diagnosis and treatment pilot program	192
Gestational children; probate code	158
Grandparents' visitation.....	77
Hawaiian homestead leases and applications; adopted children	187
Human trafficking prevention program	83
Interrogations by law enforcement ("James's Act")	180
Intestate succession; probate code	158
Miranda rights; consultation with legal counsel	180
Probate code.....	158
Reproductive health care services	2
Restraining or protective orders	
child abuse	27
nonresident applicants	81
petition for by minors	259
Safe routes to school program	244
Self-incrimination, waiver of right against.....	180
Student transfer; certificate of release.....	168
Unaccompanied minors; certificate of release for transfer to another school	168
Welfare system; malama ohana working group	86
Youth commission; majority for quorum	135
CHIROPRACTORS	
Abortion procurement.....	2
Licenses; revocation, suspension, or disciplinary actions for abortion procurement	2
CIGARETTE AND TOBACCO TAX	
Delivery sales; section repealed.....	62

Electronic smoking devices; e-liquids	62
License and permit fees	62
Unlawful shipment; unlicensed persons or entities	62

COMMERCE AND CONSUMER AFFAIRS

Application screening fee; production of informational materials	200
Commissioner of financial institutions; bank investment of capital and surplus; after-the-fact notice	96
Condominium property regime task force	189
Consumer protection, <i>see CONSUMER PROTECTION</i>	
Landlord-tenant code; application screening fee	200
Planned community association oversight task force	189
Professional and vocational licenses; abandoned applications	21
Public utilities commission, <i>see PUBLIC UTILITIES</i>	
Real estate commission; curriculum development for leadership training; report	149

COMMERCIAL CODE

Chattel paper; perfection and priority of security interests	132
Controllable electronic records	132
Electronic money	132
Transitional provisions for uniform commercial code amendments	132

COMMUNITY DEVELOPMENT AUTHORITY

Affordable housing; ninety-nine year leasehold program; staff positions; reports; appropriation	97
Climate change impacts; design and siting of buildings	221
Kakaako community development district; climate change impacts	221
Kalaeloa community development district; climate change impacts	221
Leasehold residential condominium units, development of	97

CONDOMINIUMS

Alternative dispute resolution; condominium property regime task force	189
Associations	
curriculum development for leadership training	149
replacement reserve assessments	199
right of action against developers; statute of repose	29
Condominium property regime task force; reports	189
Developers; right of action; statute of repose	29
Fire or life safety equipment; forecast loan or special assessments	199
Leadership training for association board members; curriculum development by real estate commission	149
Replacement reserves	
assessments; how calculated	199
fire or life safety equipment; forecast loan or special assessments	199
independent reserve study preparer; review of reserve study	199
Trespassing; unmanned aircraft systems (“drones”)	58

CONSUMER PROTECTION

Care homes, uncertified or unlicensed	
penalties	251
transfer of patients	255
Disclosure by real property sellers; required information	231
Money transmitters; licensing and regulation	183
Pharmacy benefit managers; maximum allowable costs of drugs repealed	207
Senior medicare patrol program; staff positions	250

CONTRACTORS

Unpaid wages; liability of contractors for subcontractors	47
---	----

CORPORATIONS

Income tax election; pass-through entities	50
--	----

CORRECTIONS

see PRISONS AND PRISONERS

CORRECTIONS AND REHABILITATION

Centralized statewide criminal pretrial justice data reporting and collection system; information technology analyst position; appropriation.....	147
Deaths; reports; inmates and employees	22
Employees; death reports	22
Level I trauma-informed certification program; corrections officers.....	78
Prison inmates; death reports	22
Visitation and family resource center at Waiawa correctional facility pilot; appropriation.....	133
Waiawa correctional facility; visitation and family resource center pilot.....	133

COUNTIES

Boards of registration; elections	13
Commercial activities on beaches; presetting beach equipment	227
Elections accessibility needs advisory committees	14
Highways; prohibition or restriction on stopping, standing, or parking of vehicles	239
Housing development on Hawaiian home lands; affordable housing credits; sunset extended.....	90
Housing infrastructure; use of surcharge on state tax revenue.....	48
Mileage-based road usage charge	222
Parking regulation; peer-to-peer car-sharing	210
Peer-to-peer car-sharing; parking regulation	210
Private activity bonds; additional allocation request	262
Public lands; enforcement of trespass laws	228
Public transportation; use of surcharge on state tax revenue	48
Stormwater management system or infrastructure fees.....	234
Surcharge on state tax; uses of surcharge on state tax revenue	48
Trespassing on public lands; enforcement by state and county law enforcement	228
User fees; collection from transportation department	234

COURTS

see JUDICIARY or specific court

CRIMES AND CRIMINAL JUSTICE

Appeal of order to set aside bond forfeiture	154
Assault of sports officials	140
Background checks; department of human services employees, volunteers, contractors, and subcontractors.....	88
Bail bond companies; notice to insurer.....	154
Bond or recognizance forfeiture notice to surety's insurer or insurers.....	154
Care homes, uncertified or unlicensed; landlord exclusion repealed.....	255
Centralized statewide criminal pretrial justice data reporting and collection system; staff support.....	147
Child abuse or neglect; reports by clergy members	80
Criminal justice data sharing working group	157
Desecration of monuments, structures, places, or objects	196

Domestic abuse
 intervention program and anger management course..... 23
 temporary restraining order hearings; remote attendance by petitioners..... 75
 Excessive force by law enforcement officers; intervention and
 report requirement..... 55
 Expungement of record; seal or remove information from public records 159
 Felony prosecutions
 initiation by complaint..... 1
 multiple attempts 1
 Forfeiture of motor vehicle; solid waste disposal penalties 201
 Fraud; fraudulent claims or statements; public officers and employees..... 131
 Garbage; improper solid waste disposal penalties..... 201
 Harbors; vessel or crew engaged in unlawful activities..... 59
 Human trafficking prevention program 83
 Initiation of prosecution 1
 Interference with operation; public transit vehicles..... 191
 Misconduct of public servant; prosecution time limitation..... 124
 Obstruction of justice..... 137
 Official misconduct by public servant 130
 Prisons and prisoners, *see PRISONS AND PRISONERS*
 Probationers; criminal justice data sharing..... 157
 Prosecution for misconduct of public servant; time limitation..... 124
 Public transit vehicles; interference with operation..... 191
 Right of entry to private property; land surveyors; criminal trespass 209
 Security fences (“electric fences”); crime deterrent 214
 Sexual offenses, *see SEXUAL OFFENSES*
 Solid waste disposal penalties..... 201
 State fusion center; crime intelligence and prevention 185
 Tobacco products; unlawful shipment to unlicensed persons or entities 62
 Trespassing
 public lands; enforcement by state and county law enforcement 228
 right of entry to private property; land surveyors 209
 unmanned aircraft systems (“drones”)..... 58
 Unmanned aircraft systems (“drones”); trespassing 58

CULTURE AND THE ARTS

State foundation on culture and the arts commission; members..... 139

DAMS AND RESERVOIRS

Dam and appurtenance improvement or removal grant program;
 seed funding..... 134

DEATH

Corrections and rehabilitation employees; reports..... 22
 Elections; validity of ballot after voter becomes ineligible..... 113
 Gestational period; surviving heirs; probate code..... 158
 Mail-in ballots; validity after voter becomes ineligible..... 113
 Prison inmates; reports..... 22
 Probate code; surviving heirs..... 158
 Surviving heirs; gestational period; probate code 158
 Terminally ill patients; waiting period 43

DEFENSE

Civil air patrol; civilian auxiliary aviation services; appropriation 204
 Emergency management agency; state building code council voting member 184
 Homeland security; state fusion center 185
 Statewide interoperable communications executive committee and
 coordinator; transfer to law enforcement department 186

DENTISTRY

Dental hygienists; community service licenses	100
Dentists; places to practice; exams; community service and temporary licenses....	100
Licenses	
community service licenses; dentists; dental hygienists	100
temporary licenses; dentists	100

DISABLED PERSONS

American Sign Language	246
Assistive technology devices and services; instructional materials for students	254
Blind and visually impaired service pilot program; neighbor islands; report; appropriation	253
Care homes, uncertified or unlicensed	
penalties.....	251
transfer of patients.....	255
Disability Awareness Month: Employment, Enrichment, and Inclusion.....	245
Elections	
accessibility needs advisory committees	14
digital voter information guide	115
Health insurance assistance program.....	252
Instructional materials and technology; accessible format for students	254
Prescription drug container labels; difficulty seeing or reading standard labels....	256
State rehabilitation council; members	15
Telecommunications services access for individuals with print disabilities	247
Voter information guide; digital guide; screen reader-accessible format.....	115

DISCRIMINATION

Equal pay; protected classes; employee discrimination prohibition	203
---	-----

DISEASES

Alzheimer's disease and related dementias public health campaign; appropriation	257
Kidney disease; dialysate drug and device distribution	101
Pharmacists; order, perform, and report results of CLIA-waived tests.....	103

DIVORCE

see FAMILY COURTS

DOMESTIC ABUSE

Address confidentiality program; duties transferred to law enforcement department	82
Anger management course	23
Child abuse or neglect; reports by clergy members	80
Child custody evaluators	85
Clergy members; reports of child abuse or neglect.....	80
Intervention program	23
Remote attendance by petitioners; temporary restraining order hearings	75
Restraining or protective orders	
child abuse or neglect; report to human services department	27
hearings; remote attendance by petitioners	75
minors; petition by.....	259
nonresident applicants	81
University of Hawaii campus safety; sexual misconduct primary prevention and awareness programming	76
Victim assistance; confidential advocates.....	84

DRUGS

Controlled substances	162
Dialysate drugs and devices; distribution by manufacturers, distributors, or third-party logistics providers	101
Drug paraphernalia; definition of	111
Fentanyl test strips; definition of	111
Firearms; possession while under the influence	52
Labels on prescription drug containers.....	256
Medical cannabis dispensaries and production centers; products	108
Medications; administration by school health assistants	173
Prescription drug container labels; difficulty seeing or reading standard labels	256
Uniform controlled substances act	162

EDUCATION

Active shooter training program.....	53
Assistive technology devices and services; instructional materials for students	254
Autistic students; reimbursement for services; annual report	166
Behavior analysis; license exemption; report.....	167
Certificate of release; student transfer to another school.....	168
Charter school commission; emergency response; critical emergency response pilot program; report; appropriation	143
Classroom development	172
Computer science courses; graduation requirement; report	174
Early learning board; nominee's qualifications; member's term	170
Emancipation of minors; certificate of release for transfer to another school	168
Emergency response; critical emergency response pilot program; report; appropriation	143
Housing development for teachers and staff.....	172
Instructional materials and technology; accessible format for students	254
Medications; administration by school health assistants	173
Prekindergarten facilities; increase prekindergarten student capacity; appropriation	175
Prekindergarten program; age of eligibility	171
School facilities authority clarification of certain references	165
executive director; appointment by the board	61
prekindergarten facilities and student capacity; appropriation.....	175
teacher and staff housing development; appropriation	172
School health assistants; administration of medications.....	173
Student transfer; certificate of release.....	168
Teacher and staff housing development	172
Unaccompanied minors; certificate of release for transfer to another school.....	168
Workers' compensation for Hawaii state public library system employees; transfer of powers and duties.....	146

ELECTIONS

Absentee ballots; validity after voter becomes ineligible.....	113
Administrative fines advertisements with insufficient or prohibited information	127
amount to pay; use of personal funds	121
failure to request contested case hearing.....	120
financial interests disclosures; failure to file	129
noncandidate committees; violations	127
Ballots casting more than one.....	116
legal name of candidates.....	117

validation time period.....	7
validity after voter becomes ineligible.....	113
Boards of registration; party membership.....	13
Campaign spending commission	
administrative fines; amount to pay; use of personal funds.....	121
complaints; failure to explain or respond to.....	118
contested case hearings; preliminary determinations; administrative fines	120
failure to file or correct organizational reports; names published online	5
preliminary determination; service by mail to respondent.....	69
Candidate committees	
failure to file or correct organizational reports.....	5
preliminary reports; filing dates	119
Candidates	
financial interests disclosures	129
publication of legal name.....	117
Cash contributions; \$100 limit.....	6
Certificate of ascertainment; amended certificates; electors.....	114
Complaints; failure to explain or respond to	118
Contested case hearings; request time limit; failure to request hearing	120
Contributions and expenditures	
campaign spending; failure to explain or respond to complaints.....	118
disclosure of contributions or expenditures of more than \$500	122
fundraisers; \$25 per person threshold	4
lobbyist statements; bills or resolutions identified	8
lobbyist to make or promise to make contributions during	
legislative sessions	128
\$100 cash limit on contributions	6
Elections accessibility needs advisory committees	14
Electors	
certificate of ascertainment; pledge; invalid votes	114
presidential electors; alternate electors.....	114
Financial interests disclosures; failure to file.....	129
Fundraisers; \$25 per person threshold.....	4
Ineligibility of voter after mail-in vote cast.....	113
Legal name of candidates.....	117
Lobbyists	
contribution and expenditure statements; bills or resolutions identified.....	8
make or promise to make contribution or expenditure during	
legislative session	128
Mail-in ballots; validity after voter becomes ineligible.....	113
Military-overseas ballots; validity after voter becomes ineligible	113
Noncandidate committees	
advertisements with insufficient or prohibited information	127
disclosure of contributions or expenditures of more than \$500	122
failure to file or correct organizational reports.....	5
organizational reports; fines for violations	127
Organizational reports	
failure to file or correct; names published online.....	5
more than \$500 in contributions or expenditures	122
Preliminary determination	
contested case hearing; request time limit	120
service by mail to respondent.....	69
Presidential electors; alternate electors	114
Validation of ballots.....	7
Voter information guide; digital guide; appropriation	115
Voting; multiple attempts or votes	116

EMBLEMS AND SYMBOLS

Limu kala; state limu.....	230
----------------------------	-----

EMERGENCY RESPONSE

Civil air patrol; civilian auxiliary aviation services 204
 Critical emergency response pilot program; schools 143
 Siren use 16

EMPLOYERS AND EMPLOYEES

see also PUBLIC EMPLOYMENT

Equal pay; protected classes 203
 Job listings; pay rate or salary range disclosures 203
 Pay disclosures; hourly rate or salary range on job listings 203
 Public works projects; violations by contractors 51
 Unemployment insurance technology; assessments on employers 208
 Wages and hours of employees; public works projects 51
 Workers' compensation, *see WORKERS' COMPENSATION*

EMPLOYMENT

see also PUBLIC EMPLOYMENT

Disability Awareness Month: Employment, Enrichment, and Inclusion 245
 Equal pay; protected classes 203
 Job listings; pay rate or salary range disclosures 203
 Pay disclosures; hourly rate or salary range on job listings 203

EMPLOYMENT SECURITY

Unemployment insurance technology; special fund;
 assessments of employers 208

ENERGY

Efficiency standards; regulation and enforcement;
 spas, fans, toilets, and water coolers 224
 Fluorescent lamps; sales of certain types prohibited 225
 Hydrogen energy industry; Hawaii Pacific hydrogen hub; appropriation 66
 State energy office; efficiency standards; regulation and enforcement;
 spas, fans, toilets, and water coolers 224

ENGINEERS, ARCHITECTS, AND SURVEYORS

Home renovations; exemption from certain requirements 177
 Land surveyors; right of entry to private property 209

ENVIRONMENT

Clean transportation working groups 226
 Climate change impacts; design and siting of buildings; community
 development districts 221
 Environmental advisory council 24
 Exhaust emissions; motor vehicles 223
 Fluorescent lamps; mercury-containing lighting prohibited 225
 Water quality certifications 233
 Zero emissions transportation 226

ESTATE AND GENERATION-SKIPPING TRANSFER TAX

Conformance to the Internal Revenue Code 56

ETHICS

Ethics commission
 appropriation 3
 financial disclosure statements
 candidates, investigation of 129

records retention	9
Financial disclosure statements	
names of business partners, employers, employer's employees, and lobbyists of legislators	123
records retention	9
unauthorized release	129
Fraud; fraudulent claims or statements; public officers and employees	131
Legislators; financial disclosures; names of business partners, employers, employer's employees, and lobbyists	123
Lobbyists	
legislators; disclosure of relationship	123
mandatory training	20
unlawful gifts to legislators or employees	10
Nepotism; public employment	261
EVIDENCE	
Confidential advocates for victims	84
Journalists; news media privilege	126
News media privilege	126
Production of evidence; news media privilege	126
EXCISE TAX	
Tobacco products; electronic smoking devices and e-liquids	62
FAMILY COURTS	
Adoption; gender-neutral terminology	160, 161
Assisted community treatment hearings; period of treatment	153
Child custody evaluators	85
Divorce; gender-neutral terminology	160, 161
Emancipation of minors	79
Gender-neutral terminology; marriage, divorce, and adoption	160, 161
Grandparents' visitation	77
Remote attendance by petitioners; temporary restraining order hearings	75
Restraining or protective orders	
child abuse or neglect	27
hearings; remote attendance by petitioners	75
minors; petition by	259
nonresident applicants	81
FENCES	
Security fences ("electric fences")	214
FINANCIAL INSTITUTIONS	
Capital and surplus; investment by banks; affordable housing	96
Investments; after-the-fact notice to commissioner	96
Money transmitters; licensing and regulation	183
FIREARMS	
Active shooter training program; public and charter school students	53
Carrying in public places	52
Concealment of firearm; failure to conceal	52
Conduct while carrying	52
Industry responsibility; lawsuits	28
Licenses	
possession requirement	52
renewal or revocation	52
Mental health of applicants	52

Physical inspection requirement	52
Qualified immunity; advanced practice registered nurses and physician assistants	52
Training requirement	52
Unsecured firearm in unattended motor vehicles.....	52

FIRE PROTECTION

Condominiums; safety equipment estimated costs	199
Fire council; members	142
Volunteer firefighters; workers’ compensation benefits; average weekly wage computation	195

FIREWORKS

Illegal fireworks task force.....	67
-----------------------------------	----

FOOD

Donations; livestock and wild game meat.....	54
Food safety training and certification program.....	212
Meat processing task force	54

FRAUD

Commercial driver’s licenses or learner’s permits; fraudulent issuance	25
Obstruction of justice.....	137
Public officers and employees	131
Voting; multiple attempts or votes	116

FUNDS

Affordable homeownership revolving fund: deposit of moneys	93
Animal industry special fund.....	215
Drug and alcohol toxicology testing laboratory special fund.....	148
Dwelling unit revolving fund equity pilot program.....	92
Executive office on aging administrative claiming special fund; funds to be deposited.....	249
Hawaii retirement savings special fund; encumbrance and expenditure delay	35
Pension accumulation fund; encumbrance and expenditure delay	35
Pesticide use revolving fund; pesticide subsidy program	216
Rental housing revolving fund; encumbrance and expenditure delay.....	35
Safe routes to school program special fund	244
Stadium development special fund; encumbrance and expenditure delay	35
Unclaimed property trust fund; fiscal year carryover.....	36
Unemployment insurance technology special fund.....	208

GENERAL EXCISE TAX

County surcharge on state tax	48
Nursing facility sustainability program	109

GOVERNOR

Wahiawa irrigation system; negotiate to purchase system.....	218
Wellness and resilience office malama ohana working group; child welfare system; report	86
transfer to human services department	87

GRANTS

Child care accreditation program	169
Dam and appurtenance improvement or removal grant program.....	134

Drug and alcohol toxicology testing laboratory; Honolulu emergency services department	148
HARBORS	
Port entry or departure; vessel or crew engaged in unlawful activities.....	59
Unlawful activities by vessel or crew; port entry or departure	59
HAWAII	
Blind and visually impaired service pilot program.....	253
HAWAIIAN HOME LANDS	
Adopted children; effect on homestead leases and applications.....	187
Housing development projects; county affordable housing credits; sunset extended.....	90
Leases and applications for Hawaiian homesteads; adopted children	187
HAWAIIAN PEOPLE	
Hawaiian Independence Day.....	11
Indigenous Peoples' Day	152
La Kuokoa; Hawaiian Independence Day.....	11
Olelo Hawaii; translation of digital voter information guide.....	115
HAWAII COMMUNITY DEVELOPMENT AUTHORITY	
<i>see COMMUNITY DEVELOPMENT AUTHORITY</i>	
HAZARDOUS MATERIALS	
Pesticide misuse; fines for violations	220
HEALTH	
Alzheimer's disease and related dementias public health campaign; appropriation.....	257
Care homes, uncertified or unlicensed landlord exclusion repealed.....	255
penalties.....	251
transfer of patients.....	255
Child and adolescent crisis mobile outreach team pilot program; report; appropriation	89
Drugs, <i>see DRUGS</i>	
Executive office on aging administrative claiming special fund; funds to be deposited.....	249
Alzheimer's disease and related dementias public health campaign; appropriation	257
health insurance assistance program; reports; appropriation	252
kupuna care services for caregivers	18
senior medicare patrol program; staff positions; appropriation	250
Fetal alcohol spectrum disorders; diagnosis and treatment pilot program; appropriation	192
Hemp task force	263
Kupuna care services.....	18
License to solemnize marriages; fees.....	206
Marriage certificates; change in gender and sex identifiers.....	179
Marriages; license to solemnize; fees	206
Medical cannabis dispensaries and production centers; products	108
Pharmacy benefit managers; maximum allowable costs of drugs repealed	207
Primary care and rural health office; health care needs for underserved rural areas; report	104
Solemnize marriages; license fees.....	206

State council on developmental disabilities; fetal alcohol spectrum disorders; public awareness campaign; appropriation.....	192
Terminally ill patients; waiting period	43
Trauma-informed care task force; purpose; sunset extended.....	87
Uncertified or unlicensed care homes	
landlord exclusion repealed.....	255
penalties.....	251
transfer of patients.....	255
Underserved rural areas; health care needs assessment; report	104

HIGHWAYS

County highways; prohibition or restriction on stopping, standing, or parking of vehicles.....	239
Left lanes; oversized commercial vehicles	238
Motor vehicles; county highways.....	239
State highway safety and modernization council; members and duties; reports	242
Weight limits, axle loads, and wheel loads; commercial motor vehicles.....	26

HISTORIC PRESERVATION

Desecration defined; monuments, structures, places, or objects	196
--	-----

HOLIDAYS AND CELEBRATIONS

Disability Awareness Month: Employment, Enrichment, and Inclusion.....	245
Fetal Alcohol Spectrum Disorder Awareness Month	12
Hawaiian Independence Day	11
Indigenous Peoples' Day	152
La Kuokoa; Hawaiian Independence Day	11

HONOLULU

Emergency services department; drug and alcohol toxicology testing laboratory; expenditures	148
Kaiwi coast state park; designation as a state park	235
Kakaako community development district; climate change impacts.....	221
Kalaeloa community development district; climate change impacts	221
Kaneohe Bay; commercial ocean use activities	232
Straub Medical Center; special purpose revenue bonds	105
Wahiawa irrigation system; acquisition of system	218
Waiawa correctional facility; visitation and family resource center pilot; appropriation.....	133

HOSPITALS

Hospital sustainability program; fee rates; sunset repealed; appropriation	110
Straub Medical Center; special purpose revenue bonds	105
West Maui Hospital and Medical Center; special purpose revenue bonds	73

HOUSING

Affordable homeownership revolving fund: deposit of moneys	93
Affordable housing development	
financing applications	91
Hawaiian home lands; county affordable housing credits; sunset extended ...	90
ninety-nine year leasehold program	97
Affordable housing residential properties; bank investment of capital and surplus.....	96
Alternative dispute resolution; condominium property regime task force.....	189
Application screening fee.....	200
Condominium property regime task force; reports	189
Home renovations; exemption from certain requirements	177

Housing finance and development corporation, <i>see HOUSING FINANCE AND DEVELOPMENT CORPORATION</i>	
Infrastructure; county surcharge on state tax revenue uses	48
Landlord-tenant code; application screening fee	200
Leasehold residential condominium units, development of	97
Low-income housing; tenant eligibility and selection	99
Planned community association oversight task force; reports	189
Public housing authority	
rent supplement program for kupuna	98
tenant eligibility and selection	99
Rental housing projects; award of private activity bonds	262
Rights, examination of; planned community association oversight task force	189
Supportive housing pilot program; supportive services; reports; appropriation	95
Supportive services; supportive housing pilot program	95
Teacher and staff housing development	172
HOUSING FINANCE AND DEVELOPMENT CORPORATION	
Affordable housing development; financing applications;	
application time periods	91
Dwelling unit revolving fund equity pilot program; reports	92
Rental housing projects, development of; supportive housing	95
Sale of real property; interest rate on the subsidy or deferred sales price	92
HUMAN RESOURCES DEVELOPMENT	
Administrative assistant; position repealed	151
Director; duties reassigned from administrative assistant position	151
Workers' compensation for Hawaii state public library system employees;	
transfer of power and duties; staff position; appropriation	146
HUMAN SERVICES	
Background checks; employees, volunteers, contractors, and subcontractors	88
Blind and visually impaired service pilot program; report; appropriation	253
Child abuse or neglect reports	27
Child care accreditation program; grant funds; appropriation	169
Civil service; exempt positions	42
Emergency appropriation; funding adjustment	37
Exempt civil service positions	42
Homeless individuals; return-to-home pilot program	94
Homelessness and housing solutions office; supportive housing pilot	
program; supportive services; reports; appropriation	95
Hospital sustainability program; appropriation	110
Neighbor islands blind and visually impaired service pilot program;	
report; appropriation	253
Preschool open doors program; accreditation; enrollment; sunset repealed	171
Public housing authority	
project-based rent supplement payments; supportive housing projects;	
appropriation	95
rent supplement program for kupuna; reports; appropriation	98
tenant eligibility	99
Restraining or protective orders; child abuse or neglect	27
Return-to-home pilot program; family reunification for homeless	
individuals; appropriation	94
State rehabilitation council; members	15
Visitation and family resource center at Waiawa correctional facility	
pilot; appropriation	133
Wellness and resilience office	
advisory board	87
transfer from governor's office	87

IDENTIFICATION

Driver’s licenses; renew online 243

INCOME TAX

Conformance to the Internal Revenue Code..... 56
 Food/exercise tax credit; increase of tax credit 163
 Household and dependent care services tax credit; increase of tax credit 163
 Pass-through entities; taxation election 50
 Refundable earned income tax credit; increase of tax credit 163

INFORMATION

Broadband service providers; reporting requirements..... 194
 Candidates; publication of legal name..... 117
 Death reports; prison inmates; corrections and rehabilitation employees 22
 Demographic data collection, processing, retention, and sharing procedures;
 twenty-first century data governance task force; report..... 136
 Elections; advertisements with insufficient or prohibited information 127
 Equal pay; protected classes 203
 Executive meetings; public reporting of discussions or final actions..... 19
 Expungement of record; seal or remove from public records..... 159
 Financial disclosure statements; records retention..... 9
 Job listings; pay rate or salary range disclosures 203
 Landlord-tenant code; application screening fee 200
 Lobbyist contribution and expenditure statements; bills or
 resolutions identified 8
 Marriage certificates; change in gender and sex identifiers..... 179
 Meetings, public; recordings available on website 125
 News media privilege..... 126
 Outdoor recreational and commercial activities; online application
 development 182
 Pay disclosures; hourly rate or salary range on job listings 203
 Reproductive health care services 2
 Twenty-first century data governance task force; demographic data; report..... 136

INSURANCE

Bail bonds; bond or recognizance forfeiture notice..... 154
 Health insurance assistance program; elderly and disabled people 252
 Medicaid reimbursements for applied behavior analysis services; report 167
 Peer-to-peer car-sharing program; primary insurance coverage;
 sunset repealed..... 210
 Reimbursement for telehealth services..... 107
 Telehealth; reimbursement for services 107

INTOXICATING LIQUORS

Fetal Alcohol Spectrum Disorder Awareness Month 12
 Fetal alcohol spectrum disorders; diagnosis and treatment pilot program 192
 Firearms; possession while under the influence 52
 Sale of unopened containers for off-premises consumption; pick-up,
 delivery, or take-out 65

INVASIVE SPECIES

see PEST CONTROL

JUDICIARY

see also specific court
 Appropriations act of 2023 70
 Court interpreters; annual adjustments of fees study; report; appropriation 248

Criminal justice research institute; staff support for criminal pretrial justice data reporting and collection system; reports; appropriation	147
Expungement of record; seal or remove information from public records	159
Fees study; court interpreters; report; appropriation	248
Foreign action enforcement; reproductive health care services.....	2
Jury service; jurors with felony convictions; service on a jury	155
Public records; expungement order.....	159
KAUAI	
Blind and visually impaired service pilot program.....	253
LABOR AND INDUSTRIAL RELATIONS	
Contractors and subcontractors; unpaid wages.....	47
Fire council; members	142
Labor relations board; representative of labor.....	260
Public works projects; violations by contractors.....	51
Wages and hours of employees; public works projects.....	51
LABORATORIES	
Drug and alcohol toxicology testing laboratory; sunset extended; appropriation.....	148
LAND AND NATURAL RESOURCES	
Ant lab; control of little fire ants; appropriation.....	217
Commercial activities on beaches; presetting beach equipment	227
Commercial ocean use activity permits; Kaneohe Bay	232
Confiscated property; Kaneohe Bay	232
Dam and appurtenance improvement or removal grant program; appropriations	134
Kaiwi coast state park; designation as a state park.....	235
Online application development; outdoor recreational and commercial activities; appropriation	182
Outdoor recreational and commercial activities; online application development; appropriation.....	182
State parks; bidding exemptions for parking lot and concession operations	72
Unmanned aircraft systems (“drones”) program; conservation and resources enforcement; appropriation.....	237
Wahiawa irrigation system; purchase of system.....	218
LAND COURT	
Administrative enforcement actions; land use violations; public lands	236
LAND USE	
Agricultural uses and activities; expired private agreements	219
Private agreements; prohibition on agricultural uses and activities.....	219
LANGUAGE	
American Sign Language	246
Elections; digital voter information guide; translation into Olelo Hawaii and other languages.....	115
Olelo Hawaii; translation of digital voter information guide	115
LAW ENFORCEMENT	
Address confidentiality program; duties transferred from lieutenant governor’s office; appropriation	82
Excessive force reports.....	190
Illegal fireworks task force; reports; appropriation	67

Statewide interoperable communications executive committee and coordinator; transfer from defense department	186
Trespassing on public lands; enforcement of laws.....	228
Use of force policies	190

LEGISLATIVE REFERENCE BUREAU

Appropriation	3
---------------------	---

LEGISLATURE

Appropriation	3
Contributions; make or promise to make contributions to legislators	128
Financial disclosure statements	
failure to file; fines.....	129
names of business partners, employers, employer’s employees, and lobbyists....	123
records retention.....	9
Fundraisers; \$25 per person threshold.....	4
Gifts from lobbyists.....	10
Travel allowance	3

LIBRARIES

Schedule of fees.....	141
State librarian; powers and duties.....	141
Workers’ compensation for employees.....	146

LIEUTENANT GOVERNOR

Address confidentiality program; duties transferred to law enforcement department	82
--	----

LIQUOR

see INTOXICATING LIQUORS

LOBBYISTS

Contribution and expenditure statements; bills or resolutions identified	8
Contributions and expenditures; make or promise to make contributions.....	128
Ethics training course.....	20
Financial disclosure statements	
disclosure of relationship.....	123
records retention.....	9
Gifts to legislators or employees.....	10
Legislators; disclosure of relationship	123
Make or promise to make contribution or expenditure during legislative sessions	128

LONG TERM CARE

Care homes, uncertified or unlicensed	
penalties.....	251
transfer of patients.....	255
Hospital sustainability program; fee rates; sunset repealed; appropriation	110
Nursing facility sustainability program; sunset repealed; appropriation	109

MARRIAGE

Certificates; change in gender and sex identifiers	179
Gender-neutral terminology.....	160, 161
License to solemnize; fees.....	206
Solemnize; license fees	206

MAUI

Blind and visually impaired service pilot program	253
Certified nurse aide to practical nurse bridge program; University of Hawaii.....	74
West Maui Hospital and Medical Center; special purpose revenue bonds	73

MEDICAL RECORDS

see INFORMATION

MENTAL HEALTH

Assisted community treatment; assistance with petition	153
Child and adolescent crisis mobile outreach team pilot program	89
Firearms; mental health of applicant	52

MILITARY

Elections; validity of ballot after voter becomes ineligible	113
--	-----

MOTOR VEHICLES

Commercial driver's licenses or learner's permits; fraudulent issuance	25
Commercial motor vehicles	
oversized vehicles; left lane use.....	238
weight limits; axle loads; wheel loads	26
County highways; prohibition or restriction on stopping, standing, or parking....	239
Donation to charity; transfer of title or interest	60
Driver's licenses; renew online	243
Electric vehicles; vehicle registration surcharge.....	222
Emergency vehicles; sirens.....	16
Exhaust emissions; intentional release.....	223
Firearms; unsecured in unattended vehicles.....	52
Flatbed trucks; registration of motor vehicles	145
Forfeiture of motor vehicle; solid waste disposal penalties	201
Fuel type; battery electricity	222
Head lamp requirements	144
Left lane use on highways; oversized commercial vehicles	238
Mileage-based road usage charge	222
Odometer readings; certificate of inspection.....	222
Parking stall sharing; public employees	202
Peer-to-peer car-sharing program	
parking at airports	210
primary insurance coverage; sunset repealed.....	210
Public transit vehicles; interference with operation	191
Registration of motor vehicles	
flatbed trucks	145
fuel type; battery electricity	222
safety checks	144
surcharge; electric vehicles	222
Renewal of driver's license online	243
Safety checks; registration of motor vehicles	144
Siren use; emergency vehicles	16
Weight of vehicles	
excess weight; fines for violations	241
weight limit enforcement.....	240

NATUROPATHIC MEDICINE

Abortion procurement.....	2
Licenses; revocation, suspension, or disciplinary actions for	
abortion procurement	2

NONPROFIT CORPORATIONS

Hawaii Pacific Health; special purpose revenue bonds..... 105

NUISANCES

Traffic noise; noise detection traffic cameras pilot program 63

NURSES

Abortion care or procurement..... 2
 Advanced practice registered nurses
 end-of-life patients 43
 medical cannabis; continuing education and training programs 108
 qualified immunity for providing information; firearms 52
 respiratory care services; prescriptive authority to order and practice..... 102
 Assisted community treatment 153
 Certified nurse aide to practical nurse bridge program; appropriation 74
 End-of-life patients; practice as advanced practice registered nurses 43
 Firearms; qualified immunity for providing information 52
 Licenses; revocation, suspension, or disciplinary actions for
 abortion procurement 2
 Nursing facility sustainability program; sunset repealed..... 109
 Practical nurses; certified nurse aide to practical nurse bridge
 program; appropriation 74

OCEAN AND MARINE RESOURCES

Hawaii institute of marine biology; staff positions; appropriation 181
 Kaneohe Bay; commercial ocean use activities 232
 Limu kala; state limu 230

OFFICE OF HAWAIIAN AFFAIRS

Appropriations act of 2023 71

OMBUDSMAN

Appropriation 3

PARENT AND CHILD

Gender-neutral terminology 160, 161
 Parentage laws task force..... 156
 Probate code; intestate succession 158
 Terminated relationship between parent and child; inheritance barred..... 158

PARKS AND RECREATION

Bidding exemptions; parking lot and concession operations..... 72
 Concession operations; bidding exemptions 72
 Kaiwi coast state park; designation as a state park 235
 Parking lot operations; bidding exemptions 72

PARTNERSHIPS

Income tax election; pass-through entities..... 50

PENAL CODE

Assault; sports officials..... 140
 Criminal trespass; right of entry to private property; land surveyors..... 209
 Desecration of monuments, structures, places, or objects 196
 Domestic abuse; intervention program and anger management course 23
 Fraud; fraudulent claims or statements; public officers and employees..... 131

Interference with operation; public transit vehicles.....	191
Misconduct of public servant; prosecution time limitation.....	124
Obstruction of justice.....	137
Official misconduct by public servant.....	130
Prosecution for misconduct of public servant; time limitation.....	124
Public transit vehicles; interference with operation.....	191
Right of entry to private property; land surveyors; criminal trespass.....	209
Sexual offenses, <i>see</i> SEXUAL OFFENSES	
Sports officials; bodily injury to.....	140
Trespassing	
public lands; enforcement by state and county law enforcement.....	228
right of entry to private property; land surveyors.....	209
unmanned aircraft systems (“drones”).....	58
Unmanned aircraft systems (“drones”); trespassing.....	58
PEST CONTROL	
Ants; little fire ants.....	217
Coffee berry borer; pesticide subsidy program.....	216
Pesticide misuse; fines for violations.....	220
Pesticide subsidy program; program manager position; sunset extended.....	216
Special management areas; control of invasive species and vegetation.....	229
PHARMACISTS	
Abortion procurement.....	2
CLIA-waived tests; order, perform, and report results.....	103
Licenses	
dialysate drugs and devices; distribution by manufacturers, distributors, or third-party logistics providers; exemption from licensing requirements.....	101
revocation, suspension, or disciplinary actions for abortion procurement.....	2
Pharmacy benefit managers; maximum allowable costs of drugs repealed.....	207
Practice of pharmacy; order, perform, and report results of CLIA-waived tests...	103
Prescription drug container labels; difficulty seeing or reading standard labels.....	256
PHYSICIANS AND SURGEONS	
Abortion care or procurement.....	2
Assisted community treatment; psychiatrists.....	153
Firearms; qualified immunity for providing information.....	52
Licenses	
exemption from; traveling team physicians.....	106
interstate medical licensure compact; multiple-state licensure.....	112
paramedics and emergency medical technicians; sunset repealed.....	193
revocation, suspension, or disciplinary actions for abortion procurement.....	2
Medical board	
emergency medical services licensure; sunset repealed.....	193
interstate medical licensure compact; multiple-state licensure.....	112
Medical cannabis; continuing education and training programs.....	108
Osteopathic physicians; respiratory care services; prescriptive authority to order and practice.....	102
Out-of-state licensure; interstate medical licensure compact.....	112
Paramedics and emergency medical technicians; licensure by medical board.....	193
Physician assistants	
abortion care or procurement.....	2
licenses; revocation, suspension, or disciplinary actions for abortion procurement.....	2
qualified immunity for providing information; firearms.....	52
respiratory care services; prescriptive authority to order and practice.....	102
Psychiatrists; assisted community treatment.....	153
Traveling team physicians; exemption from licensure.....	106

PLANTS

Ginger plants; pathogen prevention; appropriation	258
---	-----

POLICE

Children, interrogation of	180
Excessive force	
intervention and report requirement	55
reports	190
Interrogations of children (“James’s Act”)	180
Motor vehicle weight limit enforcement	240
Siren use	16
Trespassing on public lands; enforcement of laws.....	228
Use of force policies	190

PRISONS AND PRISONERS

Corrections officers; level I trauma-informed certification program	78
Criminal justice data sharing.....	157
Death reports; inmates and employees	22
Visitation and family resource center at Waiawa correctional facility	
pilot; appropriation.....	133
Waiawa correctional facility; visitation and family resource center pilot.....	133

PROBATE CODE

Contested case hearings.....	158
Gestational children	158
Inheritance barred; terminated parent-child relationship.....	158
Intestate succession	158
Parent-child relationship	
assisted reproduction; adoption	158
terminated; inheritance barred	158
Uniform estate tax apportionment act.....	158

PROFESSIONS AND OCCUPATIONS

see also specific professions and occupations

Behavior technicians; license exemption	167
Emergency medical technician licensure.....	193
Journalists; news media privilege.....	126
Licenses	
abandoned applications	21
behavior technicians; license exemption	167
exemption from; traveling team physicians.....	106
paramedics and emergency medical technicians; sunset repealed	193
Paramedic and emergency medical technician licensure	193
School health assistants; administration of medications.....	173

PUBLIC CONTRACTS

Background checks; department of human services contractors and	
subcontractors	88
Child care accreditation program	169
Community council on purchase of health and human services	44
Nepotism; public employment.....	261
Procurement procedure; fewer than three qualified persons.....	188
Professional services; fewer than three qualified persons	188
Short-term treatment purchase of services	45
Small purchase of health and human services	45

PUBLIC EMPLOYMENT

Background checks; department of human services employees, volunteers, contractors, and subcontractors.....	88
Bicycle storage lockers pilot project.....	202
Civil service; exempt positions; department of human services	42
Collective bargaining; labor relations board; representative of labor	260
Contributions; make or promise to make contributions to elected or appointed officials.....	128
Death reports; correction and rehabilitation employees.....	22
Employer-union health benefits trust fund	
income-related monthly adjustment amounts	41
medicare part B premium reimbursement for spouses.....	40
powers and duties of the board.....	38
salaries of administrator and chief investment officer	38
Exclusive representative; grievance representation for non-due-paying employees.....	150
Financial disclosure statements	
failure to file; fines.....	129
records retention	9
Fraud; fraudulent claims or statements	131
Grievance representation; non-due-paying employees	150
Income-related monthly adjustment amounts; medicare part B reimbursements.....	41
Misconduct of public servant; prosecution time limitation.....	124
Nepotism.....	261
Official misconduct by public servant	130
Parking stall sharing.....	202
Public employees' collective bargaining agreements	
units	
1 and 10; excluded employees.....	30
2, 3, 4, 6, 8, 9, 13, and 14; excluded employees.....	31
5; excluded employees.....	32
7; excluded employees.....	33
11; excluded employees.....	34
Retirement benefits; retroactive actions	46
Retroactive reinstatement, rescission of suspension, and payments; retirement benefits	46
Spouses of retired employees; medicare part B reimbursements	40
Statewide interoperable communications coordinator; transfer to law enforcement department	186

PUBLIC LANDS

Administrative penalties; noncompliance with administrative enforcement action against landowners.....	236
Affordable housing; ninety-nine year leasehold program.....	97
Bidding exemptions; parking lot and concession operations at state parks.....	72
Kaiwi coast state park; designation as a state park	235
Special management areas; installation, maintenance, repair, and replacement without permit review	229
Trespassing; enforcement by state and county law enforcement.....	228

PUBLIC SAFETY

<i>see also LAW ENFORCEMENT; CORRECTIONS AND REHABILITATION</i>	
Centralized statewide criminal pretrial justice data reporting and collection system; information technology analyst position; appropriation.....	147
Corrections officers; level I trauma-informed certification program	78
Deaths; reports; inmates and employees	22
Emergency appropriation; funding adjustment	37

Employees; death reports	22
Prison inmates; death reports	22
Visitation and family resource center at Waiawa correctional facility pilot; appropriation.....	133

PUBLIC UTILITIES

Disposal or donation of fully depreciated asset or property with a zero net book value	178
Public utilities commission	
disposal or donation of asset or property; authorization of	178
electronic filing of documents	205
telecommunications services access for individuals with print disabilities; appropriation.....	247
vessel leases for water common carriers	138

PURCHASES OF SERVICE

Administrator; transfer of duties.....	45
Community council on purchase of health and human services	44
Short-term treatment purchase of services; transfer of administrator’s duties.....	45
Small purchase of health and human services	45

REAL PROPERTY

Affordable housing; ninety-nine year leasehold program.....	97
Application screening fee.....	200
Care homes, uncertified or unlicensed; landlord exclusion repealed.....	255
Condominium developers; statute of repose.....	29
Condominiums, <i>see CONDOMINIUMS</i>	
Disclosure by sellers; required information.....	231
Erosion control structures; disclosure by sellers.....	231
Firearms; possession of without authorization on private property	52
Hemp; growing location	263
Home renovations; exemption from certain requirements	177
Landlord-tenant code; application screening fee	200
Land surveyors; right of entry to private property	209
Land use violations; administrative penalties for noncompliance with administrative enforcement actions.....	236
Leasehold residential condominium units, development of	97
Lien protections	198
Private property; possession of firearms without authorization.....	52
Public lands; administrative penalties for noncompliance with administrative enforcement actions.....	236
Right of action against developers; time period	29
Right of entry to private property; land surveyors.....	209
Teacher and staff housing development	172
Time share plans	
liens, defects, or encumbrances on titles	176
title reports; protection of the rights of purchasers against blanket liens	198
Time share units; out-of-state units; duties of developers on registration application	197
Trespassing	
right of entry to private property; land surveyors	209
unmanned aircraft systems (“drones”).....	58
Violations and fines; disclosure by sellers	231

REFUSE AND GARBAGE

Forfeiture of motor vehicle; solid waste disposal penalties.....	201
Solid waste disposal; penalties.....	201

REPORTS OR STUDIES

Agriculture	
meat processing task force.....	54
pesticide subsidy program.....	216
Attorney general	
firearms; licenses to carry.....	52
human trafficking prevention program	83
parentage laws task force	156
Charter school commission; critical emergency response pilot program	143
Clean ground transportation working group	226
Community development authority; ninety-nine year leasehold program.....	97
Corrections and rehabilitation; deaths of inmates and employees	22
Criminal justice research institute; centralized statewide criminal pretrial justice data reporting and collection system.....	147
Education	
autistic students; reimbursement for services; annual report	166
behavior analysts; medicaid reimbursements for applied behavior analysis services.....	167
computer science courses; graduation requirement; substitution for core academic courses.....	174
critical emergency response pilot program	143
Excessive force by law enforcement officers	55
Executive office on aging; health insurance assistance program.....	252
Health	
child and adolescent crisis mobile outreach team pilot program	89
trauma-informed care task force	87
Hemp task force; infrastructure for hemp farmers.....	263
Honolulu emergency services department; drug and alcohol toxicology testing laboratory; expenditures	148
Housing finance and development corporation; dwelling unit revolving fund equity pilot program.....	92
Human services; neighbor islands blind and visually impaired service pilot program.....	253
Interisland clean transportation working group	226
Judiciary; court interpreters; annual adjustments of fees study	248
Law enforcement; illegal fireworks task force; plan to stop importation and promote compliance with fireworks control laws.....	67
Malama ohana working group; child welfare system.....	86
Police departments; excessive force by law enforcement officers.....	55
Primary care and rural health office; health care needs for underserved rural areas.....	104
Public housing authority; rent supplement program for kupuna	98
Real estate commission; leadership training for condominium association board members; curriculum development	149
Safe routes to school advisory committee; safe routes to school program; activities and recommendations	244
Transportation	
drug and alcohol toxicology testing laboratory; expenditures	148
mileage-based road usage charge	222
noise detection traffic cameras pilot program.....	63
state highway safety and modernization council	242
Twenty-first century data governance task force; demographic data collection, processing, retention, and sharing procedures.....	136

RESIDENCY

Demographic data collection, processing, retention, and sharing procedures; twenty-first century data governance task force; report.....	136
Nonresident applicants; restraining or protective orders	81

RESPIRATORY THERAPISTS

Prescriptive authority to order and practice; osteopathic physicians,
physician assistants; advanced practice registered nurses 102

RESTAURANTS

Liquor; sale of unopened containers for off-premises consumption 65

SCHOOLS

see EDUCATION

SEXUAL OFFENSES

Human trafficking prevention program 83
 University of Hawaii campus safety; sexual misconduct primary
 prevention and awareness programming 76
 Victim assistance; confidential advocates 84

SMOKING

Electronic smoking devices; e-liquids; taxation 62
 Unlicensed persons or entities; tobacco product shipments 62

SPORTS

Assault of sports officials 140
 Officials; bodily injury to 140
 Traveling team physicians; exemption from licensure 106

STATE BUDGET

General appropriations act of 2023 164
 Judiciary appropriations act of 2023 70
 Office of Hawaiian affairs appropriations act of 2023 71

STATE DEPARTMENTS

Public meetings; recordings available on website 125

STATE PLANNING

Planning and sustainable development office; environmental
 advisory council 24

STATUTES

General technical revisions 17

STREETS AND ROADS

Safe routes to school program; advisory committee 244
 Weight limits, axle loads, and wheel loads; commercial motor vehicles 26

SUNSET AND REPEAL

Extension of sunset or repeal
 drug and alcohol toxicology testing laboratory special fund 148
 Hawaiian home lands; county affordable housing credits 90
 pesticide subsidy program 216
 trauma-informed care task force 87
 Temporary programs and provisions
 child and adolescent crisis mobile outreach team pilot program 89
 condominium property regime task force 189
 criminal justice data sharing working group 157

demographic data collection, processing, retention, and sharing procedures; twenty-first century data governance task force.....	136
dwelling unit revolving fund equity pilot program	92
fetal alcohol spectrum disorders; diagnosis and treatment pilot program.....	192
fireworks; illegal fireworks task force	67
interest rate on the subsidy or deferred sales price; housing finance and development corporation	92
libraries; schedule of fees; powers and duties of the state librarian	141
malama ohana working group; child welfare system	86
neighbor islands blind and visually impaired service pilot program	253
noise detection traffic cameras pilot program.....	63
parentage laws task force	156
planned community association oversight task force.....	189
rent supplement program for kupuna	98
return-to-home pilot program; homeless individuals.....	94
supportive housing pilot program	95
tax credit increases	163
telehealth service reimbursement	107
Temporary provisions made permanent (sunset repealed)	
emergency medical technician and paramedic licensure by medical board	193
firearms; physical inspection requirement	52
hospital sustainability program.....	110
nursing facility sustainability program	109
peer-to-peer car-sharing program; primary insurance coverage.....	210
preschool open doors program; age of eligibility	171
TAXATION	
<i>see also specific tax</i>	
Software and computer systems upgrade; appropriation.....	66
Uniform estate tax apportionment act.....	158
TECHNOLOGY	
Public meetings; recordings available on website	125
Unemployment insurance technology; assessments on employers	208
TELECOMMUNICATIONS	
Access to telecommunications services for individuals with print disabilities	247
Computer science courses; graduation requirement.....	174
News media privilege.....	126
Public meetings; recordings available on website	125
Public utilities commission; electronic filing of documents.....	205
Telecommunications and cable industry information reporting; chapter repealed.....	194
Telehealth; reimbursement for services	107
Temporary restraining order hearings; remote attendance by petitioners	75
TIME SHARING	
Lien protections	198
Out-of-state units; duties of developers	197
Primary or supplementary plan documents.....	176
Registration application information; out-of-state units.....	197
Title reports; protection of the rights of purchasers against blanket liens	198
Titles; liens, defects, or encumbrances	176
TRADE REGULATIONS	
Money transmitters; licensing and regulation	183

TRANSPORTATION

Airport parking; peer-to-peer car-sharing 210
 Bicycle storage lockers pilot project; public employees 202
 Clean ground transportation working group; reports 226
 Commercial motor vehicles; weight limits; axle loads 26
 Drug and alcohol toxicology testing laboratory; Honolulu emergency services department; sunset extended; report; appropriation 148
 Emergency appropriation; funding adjustment 37
 Interisland clean transportation working group; reports 226
 Mileage-based road usage charge; report; appropriation 222
 Noise detection traffic cameras pilot program; report; appropriation 63
 Parking regulation; peer-to-peer car-sharing 210
 Parking stall sharing; public employees 202
 Public transit vehicles; interference with operation 191
 Registration of motor vehicles; safety checks 144
 Safe routes to school program; advisory committee; appropriation 244
 State highway safety and modernization council; members and duties; reports 242
 Stormwater management system or infrastructure fees 234
 Zero emissions transportation; plan development and goals 226

UNEMPLOYMENT

see EMPLOYMENT SECURITY

UNITED STATES

Certificate of ascertainment; amended certificates; electors 114
 Presidential electors; alternate electors 114

UNIVERSITY OF HAWAII

Campus safety; sexual misconduct primary prevention and awareness programming; appropriation 76
 Certified nurse aide to practical nurse bridge program; appropriation 74
 Community college promise program; certificate program students exempt from requirements 57
 Confidential advocates 84
 Disciplinary proceedings; sexual misconduct victims 76
 Ginger plants; pathogen prevention; appropriation 258
 Hawaii institute of marine biology; staff positions; appropriation 181
 Hydrogen hub development 66
 Pamantasan Council; staff positions; appropriation 64
 Scholarships; students exempt from certain eligibility requirements 57
 Sexual misconduct primary prevention and awareness programming 76
 Windward community college; level I trauma-informed certification program; corrections officers 78

VETERANS

see MILITARY

WATER RESOURCES

Discharges; water quality certifications 233
 Disposal or donation of asset or property; public utilities commission authorization 178
 Fishponds (loko i'a); water quality certification requirement 233
 Wahiawa irrigation system; purchase of system 218
 Water quality certifications 233
 Wetlands; state waters 233

WOMEN

Fetal Alcohol Spectrum Disorder Awareness Month	12
Reproductive health care services	2

WORKERS' COMPENSATION

State public library system employees; transfer of powers and duties to human resources development	146
Volunteer firefighters; average weekly wage computation of comparable employment	195
Weekly wage computation; comparable employment.....	195

